

Preliminary Classification: Proposed Class: Subclass:

03915 U.S. PTO
 10/643516
 08/19/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): J. David PAYNE

For (title): SYSTEM AND METHOD FOR DATA MANAGEMENT

1. Type of Application

This application is for an original (nonprovisional).

2. Papers Enclosed

A. Required for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application

29 Page(s) of Specification

EXPRESS MAILING UNDER 37 C.F.R. § 1.10*

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NANCY J. MOORE

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Date: August 19, 2003

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- 5 Page(s) of Claims
- 6 Sheet(s) of Drawing(s)--Formal

B. Other Papers Enclosed

- 2 Page(s) of declaration and power of attorney
- 1 Page(s) of abstract
- 2 Page(s) of Application Data Sheet

3. Declaration or Oath

Enclosed.

Executed by:

* inventor.

4. Inventorship Statement

The inventorship for all the claims in this application is the same.

5. Language

English

6. Assignment

An assignment of the invention to MACROSOLVE, INC. is attached. A separate "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" is also attached.

7. Fee Calculation (37 C.F.R. § 1.16)

Regular Application

CLAIMS AS FILED									
	Number Filed		Number Extra		Rate		Basic Fee		
							37 C.F.R. § 1.16(a)		
							750.00		
Total									
Claims (37 C.F.R. § 1.16(c))	11	-	20	=	0	x \$	18.00	= \$	0.00
Independent									
Claims (37 C.F.R. § 1.16(b))	3	-	3	=	0	x \$	84.00	= \$	0.00
Multiple Dependent Claim(s), if any (37 C.F.R. § 1.16(d))						+ \$	280.00	= \$	0.00

Filing Fee Calculation \$750.00

8. Assertion of Small Entity Status

Applicant hereby asserts status as a small entity under 37 C.F.R. § 1.27.

Filing Fee Calculation (50% of above Filing Fee Calculation) \$375.00

9. Fee Payment Being Made at This Time

Enclosed

Filing Fee \$375.00

Recording assignment (\$40; 37 C.F.R. § 1.21(h)) (See attached "COVER SHEET FOR ASSIGNMENT ACCOMPANYING NEW APPLICATION".) \$40.00

Total Fees Enclosed \$415.00

10. Method of Payment of Fees

Authorization is hereby made to charge the amount of \$415.00 to Deposit Account No. 06-0540.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

11. Authorization to Charge Additional Fees

The Office is hereby authorized to charge, in the manner shown above, the following additional fees that may be required by this paper and during the entire pendency of this application.

37 C.F.R. § 1.16(a), (f) or (g) (filing fees)

37 C.F.R. § 1.16(b), (c) or (d) (presentation of extra claims)

37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a))

37 C.F.R. § 1.17 (application processing fees)

12. Instructions as to Overpayment

Credit Account No. 06-0540.

ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S.
APPLICATION CLAIMED
(37 C.F.R. § 1.78)

13. Relate Back

Amend the specification by inserting, before the first line following the title, the following sentence:

A. 35 U.S.C. § 119(e)

"This application claims the benefit of U.S. Provisional Application No.:

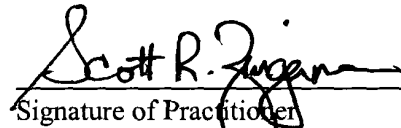
APPLICATION NO.	FILING DATE
60/404,491	08/19/2002"

Language of prior filed provisional application

The above identified prior filed provisional application, namely application 60/404,491, filed 08/19/2002, whose benefit is being claimed was filed in the English language.

Date: August 19, 2003

Reg. No.: 35,422
Tel. No.: 918-599-0621
Customer No.: 22206


Signature of Practitioner

Scott R. Zingerman
FELLERS, SNIDER, BLANKENSHIP,
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Tulsa, OK 74103-3318

220669.1

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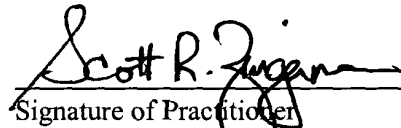
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321 South Boston, Suite 800
Tulsa, OK 74103-3318

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UNITED STATES PATENT APPLICATION

for

SYSTEM AND METHOD FOR DATA MANAGEMENT

by

J. David Payne

CERTIFICATE OF EXPRESS MAILING UNDER 37 CFR 1.10

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Nancy J. Moore *Nancy J. Moore*
(Name of Person Mailing Paper) (Signature of Person Mailing Paper)

METHOD AND SYSTEM FOR DATA MANAGEMENT

CROSS REFERENCE TO RELATED APPLICATION

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

BACKGROUND OF THE INVENTION

5 1. Field of the Invention

[0002] 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
10 computer which provides a number of features favorable for use in the inventive system.

 2. Background of the Invention

[0003] 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.

15 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.

[0004] 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.

[0005] 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.

[0006] 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.

[0007] 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.

[0008] 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 run-time 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.

5 **[0009]** 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
10 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
15 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.

20 **[0010]** 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.

[0011] 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.

[0012] 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.

[0013] 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.

[0014] 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.

[0015] 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.

[0016] 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
5 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.

[0017] 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
10 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
15 wireless interface and when the wireless link is not operational, generally data cannot be entered.

[0018] 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
20 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.

5 [0019] 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.

[0020] 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.

10 [0021] 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.

[0022] 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.

15 [0023] 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.

20 [0024] 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

[0025] 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:

- 5 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;
- 10 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.

[0026] 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.

[0027] 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.

5 **[0028]** 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.

10 **[0029]** 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
15 change made at a central office will automatically propagate to loosely networked computers dispersed throughout the field.

20 **[0030]** 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.

[0031] 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.

[0032] 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.

[0033] 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.

5 **[0034]** 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, 10 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.

[0035] 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 15 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 20 from the traditional ASP model, the present invention is particularly well suited to a per-transaction billing model.

[0036] 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.

[0037] 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.

BRIEF DESCRIPTION OF THE DRAWINGS

[0038] FIG. 1 provides a diagram of the inventive system.

[0039] FIG. 2 provides a diagram of the inventive system as used for form creation.

[0040] FIG. 3 provides a diagram of the inventive system as used for information
5 collection and review.

[0041] FIG. 4 depicts a sequence of tasks for collecting data through the use of prior
art systems.

[0042] FIG. 5 depicts the tasks of FIG. 4 utilizing the inventive system.

[0043] FIG. 6 is a work flow diagram of an embodiment utilizing the inventive
10 system.

DESCRIPTION OF THE PREFERRED EMBODIMENTS

[0044] 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.

[0045] 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.

[0046] 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.

[0047] 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.

[0048] 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.

[0049] 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.

[0050] 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.

[0051] 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.

[0052] 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.

[0053] 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.

[0054] 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").

[0055] 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.

[0056] 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.

[0057] 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.

5 [0058] 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
10 of completion of the form, transmission will be automatically delayed until connection 34 is restored.

 [0059] 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
15 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.

 [0060] 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
20 a computer 22 with Internet access to review or use the data from virtually anywhere in the

world.

[0061] 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.

[0062] 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.

[0063] 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.

[0064] 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.

[0065] 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.

[0066] 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.

[0067] 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.

[0068] 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.

[0069] 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.

[0070] 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.

5 [0071] 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
10 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.

 [0072] Modern medical service providers are continually striving to develop methods of transferring medical records and data to insurance companies for rapid claims
15 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
20 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.

[0073] 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.

[0074] 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.

[0075] 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.

[0076] 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.

[0077] In this embodiment, the customer of ASP 130, typically MSP 120, would be billed for the transaction or by the volume of data transmitted.

[0078] 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.

[0079] 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.

* * * * *

[0080] 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.

CLAIMS

What is claimed is:

- 1 1. A method for managing data including the steps of:
 - 2 (a) creating a questionnaire comprising a series of questions;
 - 3 (b) tokenizing said questionnaire; thereby producing a plurality of tokens
4 representing said questionnaire;
 - 5 (c) transmitting said plurality of tokens to a remote computing device;
 - 6 (d) executing at least a portion of said plurality of tokens representing said
7 questionnaire at said remote computing device to collect a response from a
8 user;
 - 9 (e) transmitting at least a portion of said response from the user to a server via
10 a network; and
 - 11 (f) storing said response at said server.

- 1 2. The method for managing data of claim 1 further comprising the step of:
 - 2 (g) translating said response to a format recognizable by a particular computer
3 program; and
 - 4 (h) accessing the translated response from a computer executing said particular
5 computer program.

1 3. The method for managing data of claim 1 wherein step (a) includes the substeps of:
2 (a) creating a questionnaire by:
3 (i) entering a series of questions into a questionnaire design computer
4 program;
5 (ii) identifying within said questionnaire design computer program the
6 type of response allowed for each question of said series of questions;
7 and
8 (iii) identifying within said questionnaire design computer program a
9 branching path in said questionnaire for each possible response to
10 each question of said series of questions.

1 4. The method for managing data of claim 1 wherein step (b) includes the substeps of:
2 (b) tokenizing said questionnaire thereby producing a plurality of tokens
3 representing said questionnaire by:
4 (i) assigning at least one token to each question of said series of
5 questions;
6 (ii) assigning at least one token to each response called for in said series
7 of questions to identify the type of response required; and
8 (iii) assigning at least one token to each branch in said questionnaire to
9 identify the required program control associated with said branch.

1 5. The method of data management of claim 1 wherein the transmission of said tokens
2 in step (c) occurs via the network of step (e).

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

- 3 (a) making at least one incremental change to a portion of the questionnaire;
- 4 (b) tokenizing said at least one incremental change to said questionnaire;
- 5 (c) transmitting at least a portion of said tokens resulting from step (b) to a
6 remote computing device, said transmitted tokens comprising less than the
7 entire tokenized questionnaire;
- 8 (d) incorporating said transmitted tokens into said questionnaire at said remote
9 computing device.

1 7. A method for collecting survey data from a user comprising:

- 2 (a) designing a questionnaire having branching logic on a first computer
3 platform;
- 4 (b) automatically transferring said designed questionnaire to at least one loosely
5 networked computer;
- 6 (c) executing said transferred questionnaire on said loosely networked computer,
7 thereby collecting responses from the user;

- 8 (d) automatically transferring via the loose network any responses so collected
9 to a central computer; and,
10 (e) making available on the Web any responses transferred to said central
11 computer in step (d).

1 8. The method for collecting survey data according to claim 7 further comprising:

- 2 (a) assessing a charge for each transferred response received by said central
3 computer.

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

- 2 (a) creating a questionnaire at a first site in a first computer located at a second
3 site, said first site and said second site being connected by a network;
4 (b) transmitting said question to a remote computer via said network, said remote
5 computer running an OIS;
6 (c) modifying said questionnaire with incremental changes at a third site in said
7 first computer located at said second site; and
8 (d) modifying said questionnaire in said remote computer with said incremental
9 changes.

1 10. The method for managing data transfers between computers according to claim 9
2 wherein said first site and said third site are the same.

1 11. The method for managing data transfers between computers according to claim 9
2 wherein said third site is at said remote computer.

ABSTRACT OF THE DISCLOSURE

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.

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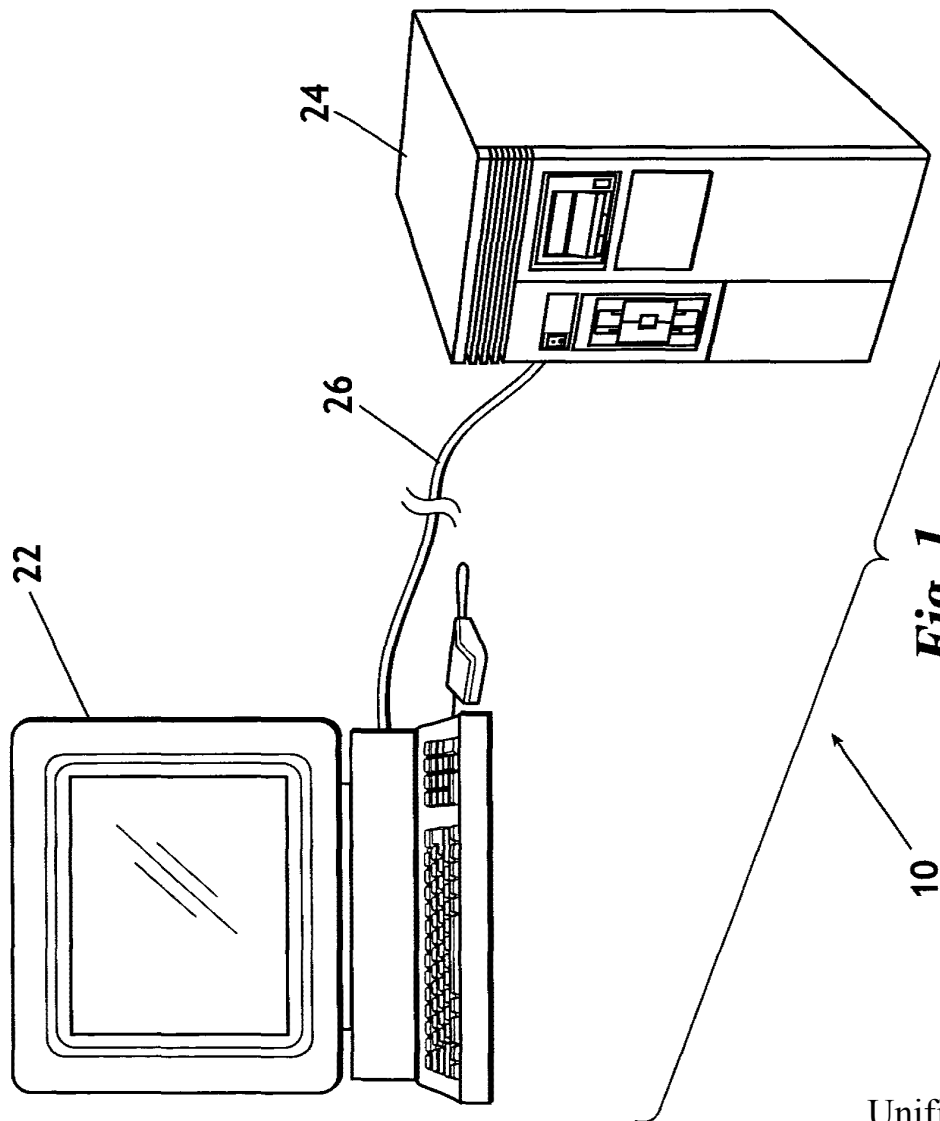
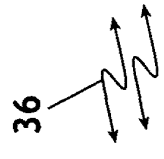
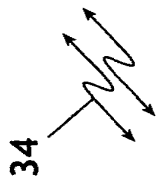
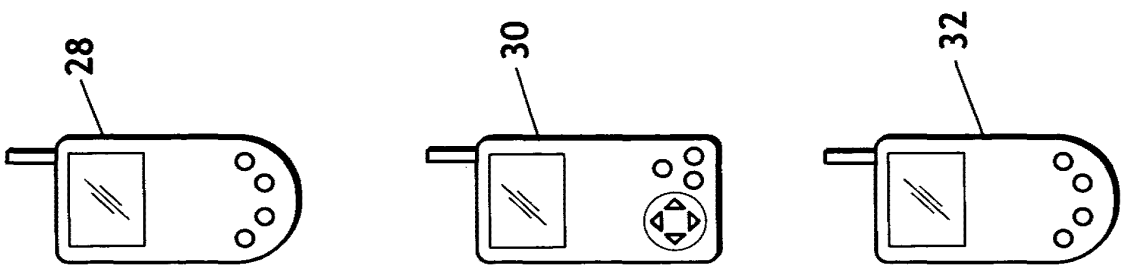


Fig. 1

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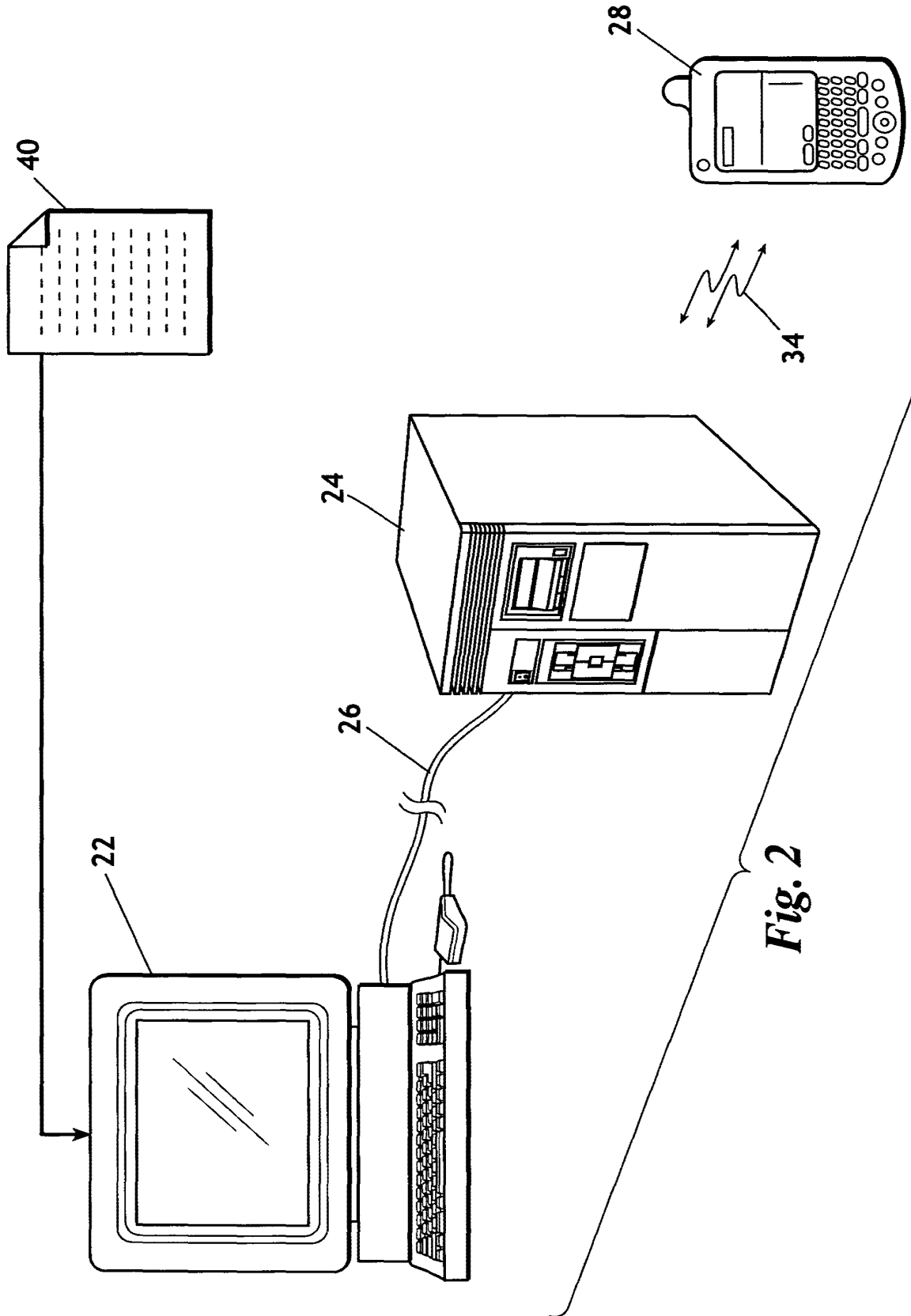
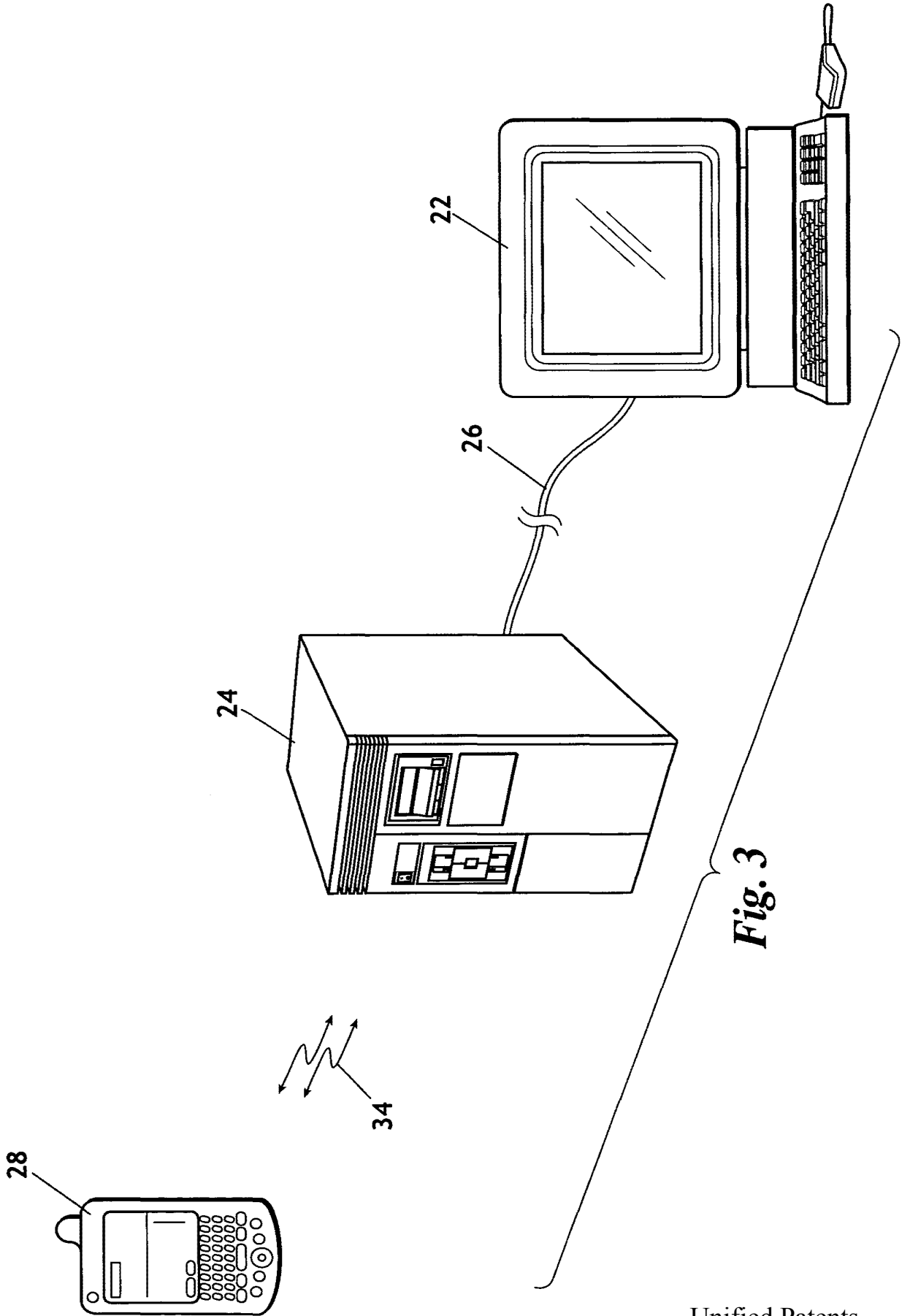


Fig. 2

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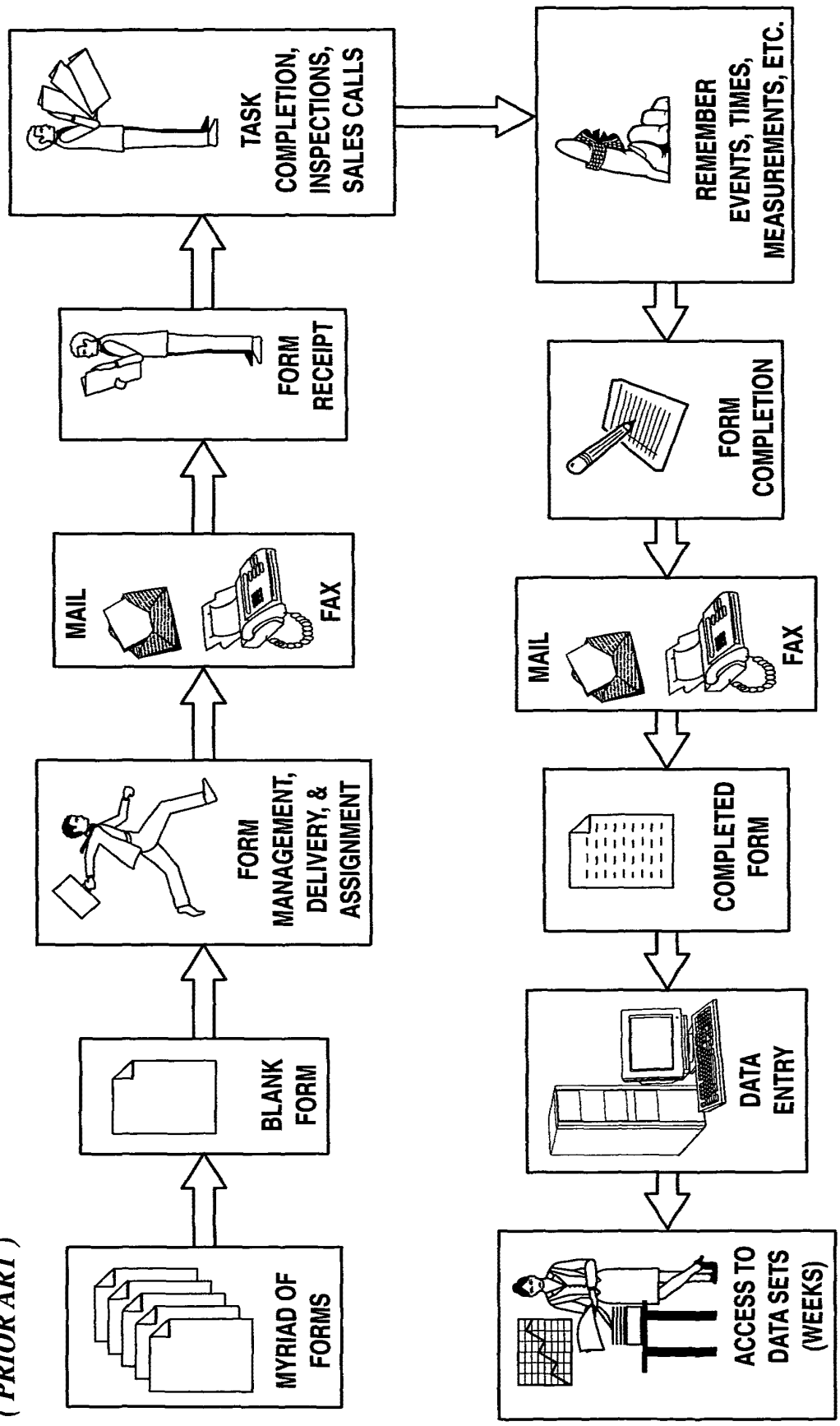


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Fig. 4
(PRIOR ART)

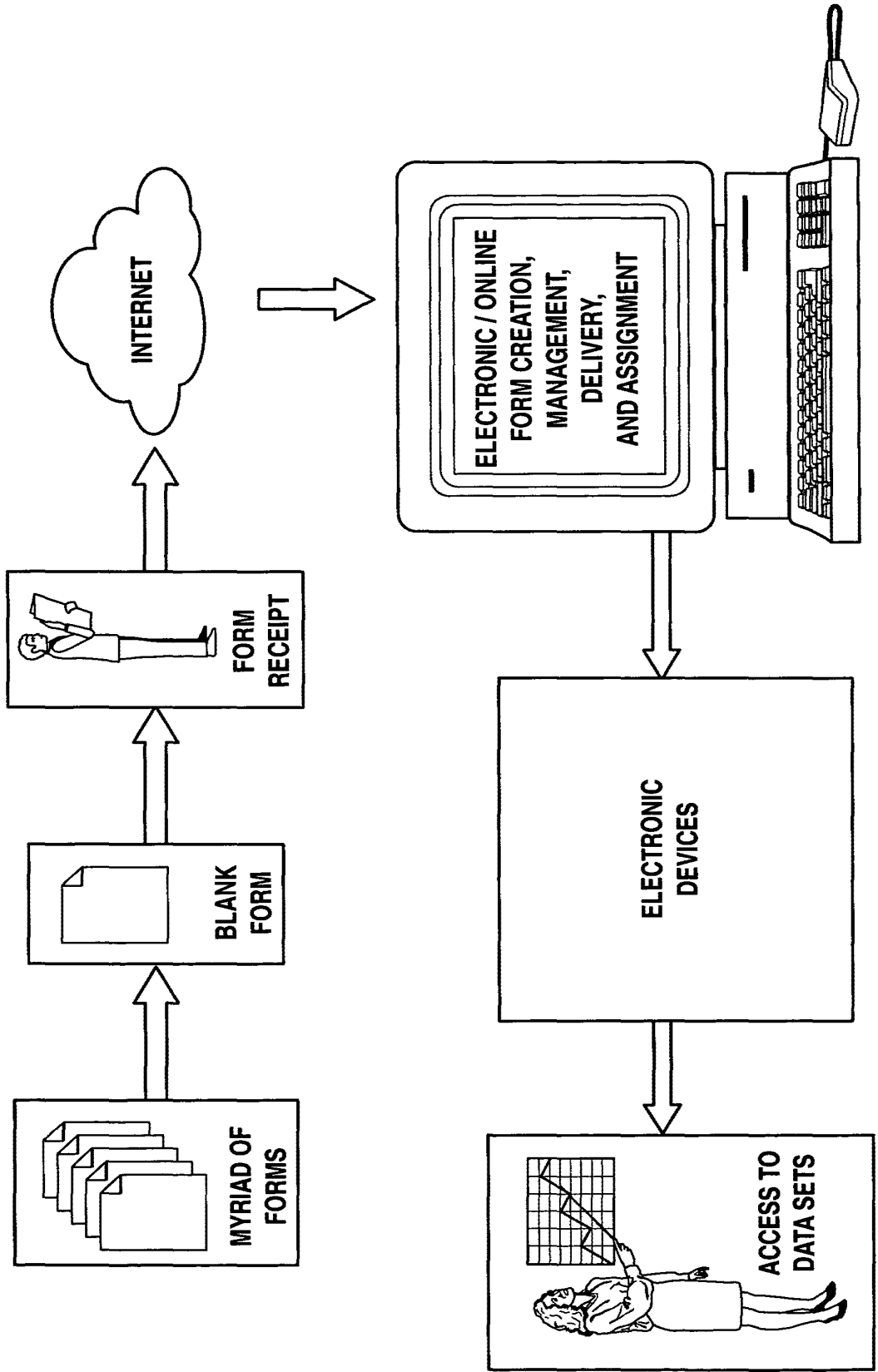


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Fig. 5



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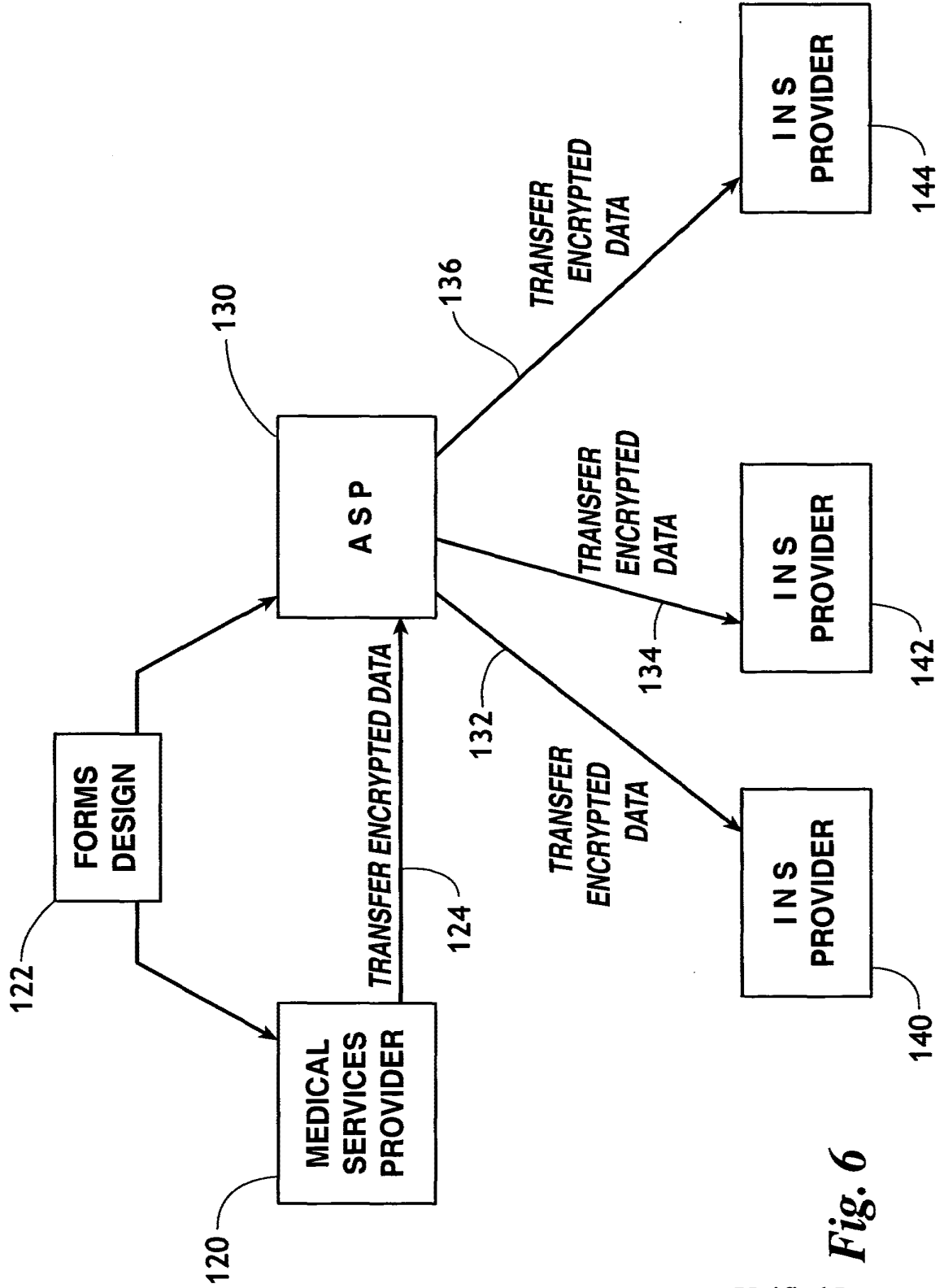


Fig. 6

COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,
CONTINUATION, OR C-I-P)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is for an original application.

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

SYSTEM AND METHOD FOR DATA MANAGEMENT

SPECIFICATION IDENTIFICATION

The specification is attached hereto.

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56, and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent.

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)

(35 U.S.C. § 119(e))

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER

FILING DATE

60/404,491

08/19/2002

POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

APPOINTED PRACTITIONER(S)

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DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements 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.

SIGNATURE(S)

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218518.1

Application Data Sheet

Application Information

Application Type:: Regular
Subject Matter:: Utility
Title:: System and Method for Data Management
Attorney Docket Number:: 57442/03-533
Request for Early Publication:: No
Request for Non-Publication:: No
Suggested Drawing Figure:: 1
Total Drawing Sheets:: 6
Small Entity:: Yes

Application Information

Applicant Authority type:: Inventor
Primary Citizenship Country:: US
Status:: Full Capacity
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Family Name:: Payne
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City of Mailing Address:: Broken Arrow
State or Province of Mailing Address:: OK
Postal or Zip Code of Mailing Address:: 74012

Correspondence Information

Correspondence Customer No.: 22206

Representative Information

Representative Customer Number:	22206
---------------------------------	-------

Domestic Priority Information

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
This application is	An application claiming the benefit under 35 USC 119(e)	60/404,491	08/19/2002

Assignee Information

Assignee name: MACROSOLVE, INC.

PATENT APPLICATION FEE DETERMINATION RECORD

Effective January 1, 2003

Application or Docket Number

10643516

CLAIMS AS FILED - PART I

(Column 1) (Column 2)

TOTAL CLAIMS	11	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	11 minus 20=	*
INDEPENDENT CLAIMS	3 minus 3 =	*
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

* If the difference in column 1 is less than zero, enter "0" in column 2

SMALL ENTITY TYPE OR

OTHER THAN SMALL ENTITY

RATE	FEE	OR	RATE	FEE
BASIC FEE	375.00	OR	BASIC FEE	750.00
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL	375	OR	TOTAL	

CLAIMS AS AMENDED - PART II

(Column 1) (Column 2) (Column 3)

AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	*	Minus	**
	Independent	*	Minus	***
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

SMALL ENTITY OR

OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

(Column 1) (Column 2) (Column 3)

AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	*	Minus	**
	Independent	*	Minus	***
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

(Column 1) (Column 2) (Column 3)

AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	*	Minus	**
	Independent	*	Minus	***
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

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

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

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

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 2.

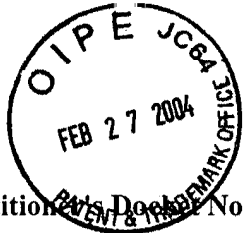
PATENT APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

08/20/2003 SZEWDIE1 00000074 060540 10643516

01 FC:2001 375.00 DA

PTO-1556
(5/87)



Practitioner No. 57442/03-533

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: J. David PAYNE

Application No.: 10/643,516

Group No.: 2127

Filed: 08/19/2003

Examiner: Unknown

Confirmation No.: 4504

For: SYSTEM AND METHOD FOR DATA MANAGEMENT

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

STATEMENT FOR INFORMATION DISCLOSURE
UNDER 37 C.F.R. § 1.97(e)

IDENTIFICATION OF INFORMATION DISCLOSURE STATEMENT
FOR WHICH THIS STATEMENT IS BEING MADE

- 1. This statement is being made for the Information Disclosure Statement accompanying this statement.

STATEMENT

- 2. I, the person signing below, state that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. 37 C.F.R. § 1.97(e)(1).

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

[X] deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10*

[X] with sufficient postage as first class mail.

[] as "Express Mail Post Office to Addressee"
Mailing Label No. (mandatory)

TRANSMISSION

[] facsimile transmitted to the Patent and Trademark Office, (703) -

Signature Nancy J Moore

Date: February 24, 2004

NANCY J. MOORE
(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

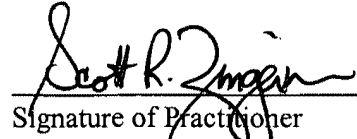
IDENTIFICATION OF PERSON MAKING THIS STATEMENT

3. The person making this certification is:

(a) the practitioner who signs below on the basis of the information in the practitioner's file.

Date: February 24, 2004

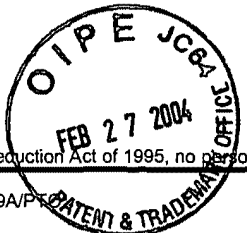
Reg. No.: 35,422
Tel. No.: 918-599-0621
Customer No.: 22206



Signature of Practitioner

Scott R. Zingerman
FELLERS, SNIDER, BLANKENSHIP,
BAILEY & TIPPENS, P.C.
321 South Boston, Suite 800
Tulsa, OK 74103-3318

248272.1



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PATENT & TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Complete if Known	
Sheet	1	of	1
		Application Number	10/643.516
		Filing Date	08/19/2003
		First Named Inventor	J. David Payne
		Art Unit	2127
		Examiner Name	Unknown
		Attorney Docket Number	57442/03-533

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA	US- 2001/0056374 A1	12/27/2001	Joao	
		US-			
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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Practitioner's Docket No. 57442/03-533

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: J. David PAYNE
 Application No.: 10/643,516
 Confirmation No.: 4504
 Filed: 08/19/2003
 For: System and method for data management
 Group No.: 2127
 Examiner: Unknown

RECEIVED
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FEB 09 2005

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

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
 WITHIN THREE MONTHS OF FILING OR
 BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. 1.97(b))**

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

1. Timing of Statement (with any required certifications)
2. Preliminary Statements
3. Forms PTO-1449 (Modified)
4. Comments on References
5. Identification of Person(s) Making This Information Disclosure Statement

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))	
I hereby certify that, on the date shown below, this correspondence is being:	
MAILING	FACSIMILE
<input type="checkbox"/> deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	<input checked="" type="checkbox"/> transmitted by facsimile to the Patent and Trademark Office (703) 872-9306.
Date: <u>February 9, 2005</u>	<u>Nancy J. Moore</u> Signature
	<u>NANCY J. MOORE</u> (type or print name of person certifying)

PATENT

Serial No.: 10/643,516

Attorney Docket No.: 57442/03-533

Transmittal of Information Disclosure Statement

Page 2 of 3

Section 1. Timing of Statement (with any required certifications)

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. section 1.97(b).

Section 2. Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Section 3. Form PTO-1449 (Modified)

Attached.

Section 4. Comments on References

None.

Section 5. Identification of Person Making This Information Disclosure Statement

The person making this certification is:

a. the practitioner who signs below on the basis of the information in the practitioner's file.

PATENT

Serial No.: 10/643,516

Attorney Docket No.: 57442/03-533

Transmittal of Information Disclosure Statement

Page 3 of 3

No additional fee is believed to be due. However, if any fee is made payable by the filing of this paper, please consider this our authorization to charge the deposit account of the undersigned, Deposit Account No. 06-0540.

Respectfully submitted,

2/9/05
DATE

Scott R. Zingerman
SIGNATURE OF PRACTITIONER

Reg. No.: 35,422

Scott R. Zingerman
(type or print name of practitioner)

Tel. No.: (918) 599-0621

321 S. Boston Ave., Suite 800
P.O. Address

Customer No.: 22206

Tulsa, OK 74103-3318

298493.1

FORM PTO-1449 (Modified) INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	Attorney Docket No.: 57442/03-533	
	Applicant(s): J. David PAYNE	
	Title: System and method for data management	
	Serial No.: 10/643,516	Filing Date: 08/19/2003
	Group: 2127	Examiner: Unknown

U.S. PATENT DOCUMENTS

Examiner Initials	Document No.	Date	Name	Class	Subclass
AB	6,421,717	07/16/2002	Kloba, et al.	709	219
AC					
AD					
AE					

FOREIGN PATENT DOCUMENTS

Examiner Initials	Document No.	Date	Name (Inventors)	Class	Translation Yes / No
BA					

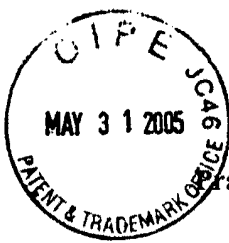
OTHER ART

Examiner Initial	(Including Author, Title, Date, Pertinent Pages, Etc.)
CA	

EXAMINER	DATE CONSIDERED
----------	-----------------

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance. Include copy of this form with next communication to applicant.

IFW



Practitioner's Docket No. 57442/03-533

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: J. David PAYNE

Application No.: 10/643,516

Group No.: 2127

Filed: 08/19/2003

Examiner: Unknown

Confirmation No.: 4504

For: System and Method For Data Management

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

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

- 1. Timing of Statement (with any required certifications)
2. Preliminary Statements
3. Forms PTO/SB/08A and/or 08B (formerly Form PTO-1449)
4. Identification of Person(s) Making This Information Disclosure Statement

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory; Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)
with sufficient postage as first class mail.

37 C.F.R. § 1.10*
as "Express Mail Post Office to Addressee"
Mailing Label No. (mandatory)

TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (703)

Date: 5/27/05

Signature Nancy J. Moore

Nancy J. Moore
(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Section 1. Timing of Statement (with any required certifications)

The Supplemental Information Disclosure Statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. (37 C.F.R. § 1.97(b)).

Section 2. Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Section 3. Forms PTO/SB/08A and/or 08B (formerly Form PTO-1449)

Attached.

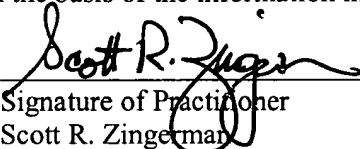
Section 4. Identification of Person Making This Information Disclosure Statement

The person making this certification is:

- a. the practitioner who signs below on the basis of the information in the practitioner's file.

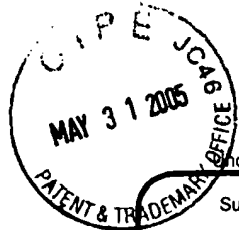
Date: May 27, 2005

Reg. No.: 35,422
Tel. No.: (918) 599-0621
Customer No.: 22206



Signature of Practitioner
Scott R. Zinger
FELLERS, SNIDER, BLANKENSHIP,
BAILEY & TIPPENS, P.C.
321 South Boston, Suite 800
Tulsa, OK 74103-3318

312239.1



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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	10/643,516
Filing Date	08/19/2003
First Named Inventor	J. David PAYNE
Art Unit	2127
Examiner Name	Unknown
Attorney Docket Number	57442/03-533

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)				
	AA	US-	5,666,553	09/09/1997	Keith Crozier	
	AB	US-	5,684,990	11/04/1997	David J. Boothby	
	AC	US-	5,943,676	08/24/1999	David J. Boothby	
	AD	US-	6,141,664	10/31/2000	David J. Boothby	
	AE	US-	6,212,529 B1	04/03/2001	Boothby et al.	
	AF	US-	6,405,218 B1	06/11/2002	David J. Boothby	
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)					

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	15	("5666553" "5684990" "5943676" "6141664" "6212529" "6405218" "6421717" "20010056374").pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2006/08/04 12:32
S2	6	("6161089" "5794210" "20020147633").pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2006/08/04 12:33
S3	147	(@ad<"20020819" or @rlad<"20020819") and ((collect\$4 or gather\$4) with (survey\$2 or poll\$4 or question\$4 or advertiser\$4)) and ((token\$4 or encrypt\$4) with (survey\$2 or poll\$4 or question\$4 or advertiser\$4))	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2006/08/04 12:38
S4	45	(@ad<"20020819" or @rlad<"20020819") and (((collect\$4 or gather\$4) with (survey\$2 or poll\$4 or question\$4 or advertiser\$4)) same ((token\$4 or encrypt\$4) with (survey\$2 or poll\$4 or question\$4 or advertiser\$4)))	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2006/08/04 12:39

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	3	"20010056374" and questionnaire\$2	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2006/08/05 09:41
S2	247	(encrypt\$4 or digit\$4) adj4 survey\$2	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2006/08/05 09:41
S3	194	(@ad<"20020819" or @rlad<"20020819") and (encrypt\$4 or digit\$4) adj4 survey\$2	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2006/08/05 09:42
S4	194	(@ad<"20020819" or @rlad<"20020819") and ((encrypt\$4 or digit\$4) adj4 survey\$2)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2006/08/05 09:43
S5	28	(@ad<"20020819" or @rlad<"20020819") and ((encrypt\$4 or (digit\$4 adj3 mark\$4)) adj4 survey\$2)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2006/08/05 09:43



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/643,516	08/19/2003	J. David Payne	57442/03-533	4504
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22206	7590	08/10/2006		
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FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA, OK 74103-3318

EXAMINER

TRAN, NGHI V

ART UNIT	PAPER NUMBER
----------	--------------

2151

DATE MAILED: 08/10/2006

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

Office Action Summary

Application No.	Applicant(s)	
10/643,516	PAYNE, J. DAVID	
Examiner	Art Unit	
Nghi V. Tran	2151	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 August 2003.
- 2a) This action is FINAL.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some
 - * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/27/04, 2/9/05, & 05/31/05
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Lew et al., U.S. Patent Application Publication No. 2004/0210472 (hereinafter Lew).

4. With respect to claim 1, Lew teaches a method for managing data [see abstract] including the steps of:

(a) creating a questionnaire [i.e. survey] comprising a series of questions [paragraphs 0005-0009];

Art Unit: 2151

(b) tokenizing said questionnaire [i.e. encrypted survey information, paragraph 0013]; thereby producing a plurality of tokens representing said questionnaire [paragraphs 0005-0009];

(c) transmitting said plurality of tokens to a remote computing device [i.e. the survey transmitter may transmit to the remote responding device in either a wired or a wireless manner, paragraph 0053];

(d) executing at least a portion of said plurality of tokens representing said questionnaire at said remote computing device to collect a response [i.e. feedback] from a user [i.e. feed back from a user, paragraph 0036];

(e) transmitting at least a portion of said response from the user to a server [i.e. a central facility] via a network [paragraph 0050]; and

(f) storing said response at said server [i.e. all feedback is transmitted to the central facility, **S6100** of fig.2 and paragraph 0048].

5. With respect to claim 5, Lew further teaches wherein the transmission of said tokens in step (c) occurs via the network of step (e) [fig.3].

6. Claims 7 is rejected under 35 U.S.C. 102(e) as being anticipated by Sendowski et al., U.S. Patent Application Publication No. 2003.0198934 (hereinafter Sendowski).

7. With respect to claim 7, Sendowski teaches a method for collecting survey data from a user [see abstract] comprising:

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(a) designing a questionnaire [i.e. survey] having branching logic [i.e. branch script object, **124**] on a first computer platform [i.e. web server, **121**] [paragraphs 0023-0028 and 0041-0048];

(b) automatically transferring said designed questionnaire to at least one loosely networked computer [i.e. automatically generate an HTML question page or question form, paragraphs 0024-0031];

(c) executing said transferred questionnaire on said loosely networked computer, thereby collecting responses from the user [see abstract];

(d) automatically transferring via the loose network any responses so collected to a central computer [i.e. medical survey provider **120**] [paragraph 0020 and table 3]; and,

(e) making available on the Web any responses transferred to said central computer in step (d) [fig.1].

Claim Rejections - 35 USC § 103

8. 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.

9. Claims 2-4, 6, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lew as applied to claim 1 above, and further in view of Sendowski et al., U.S. Patent Application Publication No. 2003/0198934 (hereinafter Sendowski).

10. With respect to claim 2, Lew does not explicitly show the step of: (g) translating said response to a format recognizable by a particular computer program; and (h) accessing the translated response from a computer executing said particular computer program.

In a method for managing data, Sendowski suggests the step of: (g) translating said response to a format recognizable [i.e. XML data structural] by a particular computer program [i.e. branching script engine, paragraphs 0007-0008]; and (h) accessing the translated response from a computer executing said particular computer program [paragraphs 0034-0053 and fig.2].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Lew in view of Sendowski by accessing a translated response to a format recognizable by a particular computer program because this feature provides a framework of reusable software object implementing the creation and execution of any question-answer branching scripts [Sendowski, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to support thousands of concurrent users when it is required [Sendowski, paragraph 0005].

11. With respect to claim 3, Lew does not explicitly show 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.

In a method for managing data, Sendowski suggests wherein step (a) includes the substeps of: (a) creating a questionnaire by:

(i) entering a series of questions into a questionnaire design computer program [paragraphs 0034-0054];

(ii) identifying within said questionnaire design computer program the type of response allowed for each question of said series of questions [i.e. answer types, paragraph 0019 and table 2]; 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 [paragraphs 0018 and table 1].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Lew in view of Sendowski by 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 because this feature provides a framework of reusable software object implementing the creation and execution of any question-answer branching scripts [Sendowski, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have

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been motivated in order to support thousands of concurrent users when it is required [Sendowski, paragraph 0005].

12. With respect to claim 4, Lew does not explicitly show (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.

In a method for managing data, Sendowski suggests (i) assigning at least one token to each question of said series of questions [i.e. a question uses tokens, paragraph 0019]; (ii) assigning at least one token to each response called for in said series of questions to identify the type of response required [i.e. allows the answer to be collected into a name token, paragraph 0020]; and (iii) assigning at least one token to each branch in said questionnaire to identify the required program control associated with said branch [paragraphs 0041-0049].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Lew in view of Sendowski by assigning at least one token to each question of said series of questions, to each response called for in said series of questions, and to each branch in said questionnaire because this feature provides a framework of reusable software object implementing the creation and execution of any question-answer branching scripts [Sendowski, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have

Art Unit: 2151

been motivated in order to support thousands of concurrent users when it is required [Sendowski, paragraph 0005].

13. With respect to claims 6 and 9, Lew teaches a method for managing data transfers between computers [see abstract and fig. 1] including the steps of:

(a) creating a questionnaire [i.e. survey] at a first site [i.e. modulator **10**] in a first computer [i.e. media conveyor **20**] located at a second site [paragraphs 0026-0029], said first site and said second site being connected by a network [fig. 1];

(b) transmitting said question to a remote computer [i.e. remote responding device] via said network, said remote computer running an OIS [paragraph 0053];

However, Lew does not explicitly show modifying said questionnaire with incremental changes at a third site in said first computer located at said second site; and modifying said questionnaire in said remote computer with said incremental changes.

In a method for managing data, Sendowski modifying said questionnaire with incremental changes at a third site in said first computer located at said second site [i.e. TSLastModified of table 2 and paragraph 0058]; and modifying said questionnaire in said remote computer with said incremental changes [i.e. TSLastModified of table 2 and paragraph 0058].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Lew in view of Sendowski by modifying said questionnaire with incremental changes at a third site in said first computer located at

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said second site; and modifying said questionnaire in said remote computer with said incremental changes because this feature provides a framework of reusable software object implementing the creation and execution of any question-answer branching scripts [Sendowski, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to support thousands of concurrent users when it is required [Sendowski, paragraph 0005].

14. With respect to claim 10, Lew further teaches wherein said first site and said third site are the same [fig.1].

15. With respect to claim 11, Lew further teaches wherein said third site is at said remote computer [fig.1].

16. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sendowski et al., U.S. Patent Application Publication No. 2003/0198934 (hereinafter Sendowski), in view of Joao, U.S. Patent Application Publication No. 2001/0056374 (hereinafter Joao).

17. With respect to claim 8, Sendowski does not explicitly show assessing a charge for each transferred response received by said central computer.

In a method for collecting survey data, Joao discloses assessing a charge [i.e. compensation, rewards, rebates and/or incentives can be provided for viewing,

Art Unit: 2151

reviewing, participating in and/or interacting with, the entire survey, poll and/or questionnaire, paragraph 0230] for each transferred response received by said central computer [paragraphs 0228-0037].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Sendowski in view of Joao by assessing a charge for each transferred response received by said central computer because this feature can receive compensation, a reward, a rebate, and/or an incentive [Joao, paragraph 0009]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to facilitate commerce between any parties and/or any number of parties [Joao, paragraph 0009].

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. "Web based voting tracking and reporting system," by Scott, U.S. Patent Application Publication No. 2004/0117244.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.


Art Unit: 2151

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi V Tran
Patent Examiner
Art Unit 2151

NT



RUPAL DHARIA
SUPERVISORY PATENT EXAMINER

MAY 31 2005
 U.S. PATENT & TRADEMARK OFFICE

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	10/643,516
Filing Date	08/19/2003
First Named Inventor	J. David PAYNE
Art Unit	2127
Examiner Name	Unknown
Attorney Docket Number	57442/03-533

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)				
NT	AA	US-	5,666,553	09/09/1997	Keith Crozier	
	AB	US-	5,684,990	11/04/1997	David J. Boothby	
	AC	US-	5,943,676	08/24/1999	David J. Boothby	
	AD	US-	6,141,664	10/31/2000	David J. Boothby	
	AE	US-	6,212,529 BI	04/03/2001	Boothby et al.	
NT	AF	US-	6,405,218 BI	06/11/2002	David J. Boothby	
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴ Kind Code ⁵ (if known)				

Examiner Signature: /Nghi Tran/ (08/04/2006) Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

FORM PTO-1449 (Modified) INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	Attorney Docket No.: 57442/03-533
	Applicant(s): J. David PAYNE
	Title: System and method for data management
	Serial No.: 10/643,516 Filing Date: 08/19/2003
	Group: 2127 Examiner: Unknown

U.S. PATENT DOCUMENTS

Examiner Initials		Document No.	Date	Name	Class	Subclass
NT	AB	6,421,717	07/16/2002	Kloba, et al.	709	219
	AC					
	AD					
	AE					

FOREIGN PATENT DOCUMENTS

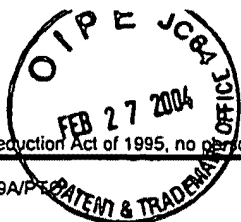
Examiner Initials		Document No.	Date	Name (Inventors)	Class	Translation Yes / No
	BA					

OTHER ART

Examiner Initial		(Including Author, Title, Date, Pertinent Pages, Etc.)
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EXAMINER /Nghi Tran/ (08/04/2006)	DATE CONSIDERED
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	10/643,516
Filing Date	08/19/2003
First Named Inventor	J. David Payne
Art Unit	2127
Examiner Name	Unknown
Attorney Docket Number	57442/03-533

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
NT	AA	US- 2001/0056374 A1	12/27/2001	Joao	
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

Examiner Signature	/Nghi Tran/ (08/04/2006)	Date Considered
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Notice of References Cited	Application/Control No. 10/643,516	Applicant(s)/Patent Under Reexamination PAYNE, J. DAVID	
	Examiner Nghi V. Tran	Art Unit 2151	Page 1 of 1

U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A US-2004/0210472	10-2004	Lew et al.	705/010
*	B US-2003/0198934	10-2003	Sendowski et al.	434/350
*	C US-2001/0056374	12-2001	Joao, Raymond Anthony	705/14
*	D US-2004/0117244	06-2004	Scott, Anthony	705/012
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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
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Bib Data Sheet

CONFIRMATION NO. 4504

SERIAL NUMBER 10/643,516	FILING OR 371(c) DATE 08/19/2003 RULE	CLASS 709	GROUP ART UNIT 2151	ATTORNEY DOCKET NO. 57442/03-533
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APPLICANTS
J. David Payne, Broken Arrow, OK; **N.T.**

**** CONTINUING DATA *******
This appln claims benefit of 60/404,491 08/19/2002 **N.T.**

**** FOREIGN APPLICATIONS *******
None

IF REQUIRED, FOREIGN FILING LICENSE GRANTED SMALL ENTITY ****
**** 11/13/2003**

Foreign Priority claimed <input type="checkbox"/> yes <input checked="" type="checkbox"/> no	STATE OR COUNTRY OK	SHEETS DRAWING 6	TOTAL CLAIMS 11	INDEPENDENT CLAIMS 3
35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> Met after Allowance				
Verified and Acknowledged	Examiner's Signature N.T.	Initials N.T.		

ADDRESS
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TITLE
System and method for data management

FILING FEE RECEIVED 375	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees
		<input type="checkbox"/> 1.16 Fees (Filing)
		<input type="checkbox"/> 1.17 Fees (Processing Ext. of time)
		<input type="checkbox"/> 1.18 Fees (Issue)
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Index of Claims



Application/Control No.

10/643,516

Examiner

Nghi V. Tran

Applicant(s)/Patent under Reexamination

PAYNE, J. DAVID

Art Unit

2151

√	Rejected
=	Allowed

-	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
I	Interference

A	Appeal
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Claim		Date				
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Search Notes



Application/Control No.

10/643,516

Examiner

Nghi V. Tran

Applicant(s)/Patent under Reexamination

PAYNE, J. DAVID

Art Unit

2151

SEARCHED

Class	Subclass	Date	Examiner
709	203	8/4/2006	NT
709	223	8/4/2006	NT
709	224	8/4/2006	NT

INTERFERENCE SEARCHED

Class	Subclass	Date	Examiner

SEARCH NOTES (INCLUDING SEARCH STRATEGY)

	DATE	EXMR
Keyword search using EAST	8/4/2006	NT

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Date: February 12, 2007

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 11

TO	COMPANY NAME	FAX NUMBER
MAIL STOP AMENDMENT	USPTO	571-273-8300

FROM: Scott R. Zingerman, Reg. No.35422

**FELLERS, SNIDER, BLANKENSHIP,
 BAILEY & TIPPENS, P.C.**
 The Kennedy Building
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FEB 12 2007

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/643,516
Applicant: J. David Payne
Filed: 08/19/2003
TC/A.U.: 2151
Examiner: TRAN, NGHI V

Confirmation No.: 4504

Docket No.: 57442/03-533
Customer No: 22206

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

AMENDMENT

Dear Sir:

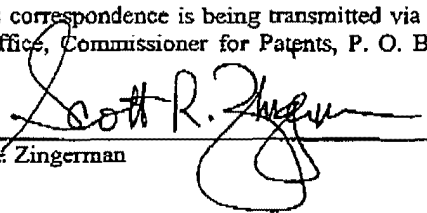
Introductory Comments

This paper is submitted in response to the Office action mailed August 10, 2006. A Petition and Fee for Extension of Time for three (3) months is filed herewith. If any additional fee is required by virtue of the filing of this paper, please also consider this a general authorization to charge Deposit Account No. 06-0540 for the same.

CERTIFICATION UNDER 37 C.F.R. § 1.8(a)

I hereby certify that, on the date shown below, this correspondence is being transmitted via facsimile transmission to the United States Patent and Trademark Office, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 to number 1-571-273-8300.

Date: February 12, 2007


Scott R. Zingerman

Application No. 10/643,516
Amendment Dated 02/12/2007
Reply to Office Action of 08/10/2006
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Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) A method for managing data including the steps of:
 - (a) creating a questionnaire comprising a series of questions;
 - (b) tokenizing said questionnaire for reducing bandwidth requirements; thereby producing a plurality of tokens representing said questionnaire;
 - (c) transmitting said plurality of tokens to a remote computing device;
 - (d) 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;
 - (e) transmitting at least a portion of said response from the user to a server via a network; and
 - (f) storing said response at said server.

2. (Original) The method for managing data of claim 1 further comprising the step of:
 - (g) translating said response to a format recognizable by a particular computer program; and
 - (h) accessing the translated response from a computer executing said particular computer program.

3. (Original) 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;

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Amendment Dated 02/12/2007
Reply to Office Action of 08/10/2006
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- (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. (Original) 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. (Original) The method of data management of claim 1 wherein the transmission of said tokens in step (c) occurs via the network of step (e).
- 6. (Original) 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 computing device, said transmitted tokens comprising less than the entire tokenized questionnaire;
 - (d) incorporating said transmitted tokens into said questionnaire at said remote computing device.

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- 7. (Original) A method for collecting survey data from a user comprising:
 - (a) designing a questionnaire having branching logic on a first computer platform;
 - (b) automatically transferring said designed questionnaire to at least one loosely networked computer;
 - (c) executing said transferred questionnaire on said loosely networked computer, thereby collecting responses from the user;
 - (d) automatically transferring via the loose network any responses so collected to a central computer; and,
 - (e) making available on the Web any responses transferred to said central computer in step (d).

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- 8. (Original) The method for collecting survey data according to claim 7 further comprising:
 - (a) assessing a charge for each transferred response received by said central computer.

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- 9. (Currently Amended) A method for managing data transfers between computers including the steps of:
 - (a) creating a questionnaire at a first site in a first computer located at a second site, said first site and said second site being connected by a loose network;
 - (b) transmitting said question to a remote computer via said network, said remote computer running an OIS;
 - (c) modifying said questionnaire with incremental changes at a third site in said first computer located at said second site; and
 - (d) modifying said questionnaire in said remote computer with said incremental changes.

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10. (Original) The method for managing data transfers between computers according to claim 9 wherein said first site and said third site are the same.

11. (Original) The method for managing data transfers between computers according to claim 9 wherein said third site is at said remote computer.

REMARKS

Claims 1-11 are pending in the application. Claims 1-11 are rejected in the Office Action. Claim 1 is amended herein. Reconsideration and allowance of claims 1-11 is respectfully requested.

Specification

1. Applicant has reviewed and spell-checked the specification in an effort to correct minor errors as requested in the Office action, however, no such errors were identified.

Claim Rejections – 35 USC § 102

2. Paragraph 2 in the Office action includes a quotation of 35 U.S.C. § 102(e) that forms the basis for the rejections in the Office action. No response is required from Applicant.
3. Claims 1 and 5 are rejected in the Office action under 35 U.S.C. § 102(e) as being anticipated by Lew et al., U.S. Patent Application Publication No. 2004/0210472 (hereinafter Lew). Reconsideration and allowance of claim 1 and 5 is respectfully requested.

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Reply to Office Action of 08/10/2006
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4. Claim 1 has been amended herein to recite “tokenizing said questionnaire for reducing bandwidth requirements.” Support for this amendment can be found in the Specification, p. 11 which reads:

[0031] 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.

As stated therein, the purpose of the tokenizing step in the disclosure is to reduce the bandwidth requirements that are available with the use of handheld devices. Thus transmission speed is increased.

The Lew reference, in contrast, as asserted in the Office action, p. 3, teaches tokenizing for the purpose of encrypting survey information, paragraph 0013, “to protect it from tampering by third parties.” The Lew reference does not teach tokenizing for the purpose of reducing bandwidth requirements as is recited in Applicant’s disclosure and claim 1, as amended herein. Accordingly, the rejection of claim 1 under 35 U.S.C. § 102(e) is overcome. Reconsideration and allowance of claim 1 is respectfully requested.

5. Applicant reincorporates his remarks contained in paragraph 4 above relating to claim 1. Since claim 5 depends from claim 1, claim 5 is allowable at least for the reasons set forth above with regard to claim 1. Reconsideration and allowance of claim 5 is respectfully requested.

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6. Claim 7 is rejected in the Office action under 35 U.S.C. § 102(e) as being anticipated by Sendowski et al, U.S. Patent Application Publication No. 2003/0198934 (hereinafter Sendowski). Reconsideration of claim 7 is respectfully requested.

7. Applicant respectfully disagrees that the Sendowski reference anticipates Applicant's claim 7. Specifically, Applicant disagrees that Sendowski teaches the step of "(b) automatically transferring said designated questionnaire to at least one **loosely networked computer**" (emphasis added). Pursuant to Applicant's disclosure, a "loosely networked computer" is:

[0048] 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.

As described, pursuant to Applicant's disclosure and claim 7, the questionnaire is transmitted automatically to a loosely networked computer wherein if the information may be transmitted in real time or may be stored, or buffered, once a connection is restored.

This recitation from claim 7 is not disclosed by the Sendowski reference. Sendowski discloses a system wherein all are coupled to the Internet. The Sendowski reference does not disclose a loosely networked computer as recited by Applicant's claim 7.

The rejection of claim 7 in the Office action under 35 U.S.C. § 102(e) is overcome. Reconsideration and allowance of claim 7 is respectfully requested.

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Claim Rejections – 35 USC § 103

8. Paragraph 8 in the Office action includes a quotation of 35 U.S.C. § 103(a) that forms the basis for all obvious rejections in the Office action. No response is required from Applicant.

9. Claims 2-4, 6, and 9-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lew as applied to claim 1, above, and further in view of Sendowski. Reconsideration and allowance of claims 2-4, 6, and 9-11 is respectfully requested.

10. Claim 2 depends from claim 1. Applicant reincorporates its remarks in relation to claim 1 as set forth above with regard to the Lew reference. In that claim 2 includes all of the limitations of claim 1, claim 2 is allowable at least for the reasons set forth with regard to claim 1. Reconsideration and allowance of claim 2 is respectfully requested.

11. Claim 3 depends from claim 1. Applicant reincorporates its remarks in relation to claim 1 as set forth above with regard to the Lew reference. In that claim 3 includes all of the limitations of claim 1, claim 3 is allowable at least for the reasons set forth with regard to claim 1. Reconsideration and allowance of claim 3 is respectfully requested.

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Reply to Office Action of 08/10/2006
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12. Claim 4 depends from claim 1. Applicant reincorporates its remarks in relation to claim 1 as set forth above with regard to the Lew reference. In that claim 4 includes all of the limitations of claim 1, claim 4 is allowable at least for the reasons set forth with regard to claim 1. Reconsideration and allowance of claim 4 is respectfully requested.

13. Claim 6 depends from claim 1. Applicant reincorporates its remarks in relation to claim 1 as set forth above with regard to the Lew reference. In that claim 6 includes all of the limitations of claim 1, claim 6 is allowable at least for the reasons set forth with regard to claim 1. Reconsideration and allowance of claim 6 is respectfully requested.

Applicant's claim 9 is amended herein to recite "(a) creating a questionnaire at a first site in a first computer located at a second site, said first site and said second site being connected by a loose network" As asserted above in paragraph 7, incorporated herein by reference, the Sendowski reference does not disclose or teach a loose network as recited in Applicant's disclosure and claim 9. Accordingly, the rejection of claim 9 in the Office action under 35 U.S.C. § 103(a) is overcome. Reconsideration and allowance of claim 9 is respectfully requested.

14. Claim 10 depends from claim 9. Applicant reincorporates its remarks in relation to claim 9 as set forth above with regard to the Sendowski reference. In that claim 10 includes all of the limitations of claim 9, claim 10 is allowable at least for the reasons set forth with regard to claim 9. Reconsideration and allowance of claim 10 is respectfully requested.

Application No. 10/643,516
Amendment Dated 02/12/2007
Reply to Office Action of 08/10/2006
Page 10 of 10

15. Claim 11 depends from claim 9. Applicant reincorporates its remarks in relation to claim 9 as set forth above with regard to the Sendowski reference. In that claim 11 includes all of the limitations of claim 9, claim 11 is allowable at least for the reasons set forth with regard to claim 9. Reconsideration and allowance of claim 11 is respectfully requested.

16. Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Sendowski in view of Joao, U.S. Patent Application Publication No. 2001/0056374 (hereinafter Joao). Reconsideration and allowance of claim 8 is respectfully requested.

17. Claim 8 depends from claim 7. Applicant reincorporates its remarks in relation to claim 7 as set forth above in paragraph 7 with regard to the Sendowski reference. In that claim 8 includes all of the limitations of claim 7, claim 8 is allowable at least for the reasons set forth with regard to claim 7. Reconsideration and allowance of claim 8 is respectfully requested.

A petition for an extension of time is submitted herewith. If any additional fee is made payable by the filing of this paper, please consider this our authorization to charge the Deposit Account of the undersigned, No. 06-0540.

Respectfully submitted,

Date: February 12, 2007

By Scott R. Zingerman
Scott R. Zingerman, Reg. No. 35,422
FELLERS, SNIDER, BLANKENSHIP,
BAILEY & TIPPENS, P.C.
321 South Boston, Suite 800
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#391504

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MAIL STOP AMENDMENT	USPTO	571-273-8300

FROM: Scott R. Zingerman, Reg. No.35422

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MESSAGE: Please see attachment(s). *10/643,516*
1. *Petition for Extension of time under 37 CFR 1.136(a)*
2. *Credit Card Payment Form*

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FEB 12 2007

PTO/SB/22 (09-06)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2006 <i>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</i>		Docket Number (Optional) 57442/03-533	
Application Number 10/643,516		Filed 08/19/2003	
For SYSTEM AND METHOD FOR DATA MANAGEMENT			
Art Unit 2151		Examiner Nghi V. Tran	
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.			
The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):			
	<u>Fee</u>	<u>Small Entity Fee</u>	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ 120	\$ 60	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ 450	\$ 225	\$ _____
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$ 1,020	\$ 510	\$ 510.00
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$ 1,590	\$ 795	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$ 2,160	\$ 1,080	\$ _____
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.			
<input type="checkbox"/> A check in the amount of the fee is enclosed.			
<input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account Number <u>06-0540</u> .			
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
I am the <input type="checkbox"/> applicant/inventor.			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).			
<input checked="" type="checkbox"/> attorney or agent of record. Registration Number <u>35422</u>			
<input type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____			
<u>Scott R. Zingerman</u> Signature		<u>February 12 2007</u> Date	
<u>Scott R. Zingerman</u> Typed or printed name		<u>918/599-0621</u> Telephone Number	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted.			

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
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02/13/2007 11:01:11
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PATENT APPLICATION FEE DETERMINATION RECORD
Effective January 1, 2003

Application or Docket Number

10643516

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	11	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	11 minus 20 = *	
INDEPENDENT CLAIMS	3 minus 3 = *	
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

* If the difference in column 1 is less than zero, enter "0" in column 2

SMALL ENTITY TYPE OR

RATE	FEE
BASIC FEE	375.00
X\$ 9=	
X42=	
+140=	
TOTAL	375

OTHER THAN SMALL ENTITY

RATE	FEE
BASIC FEE	750.00
X\$18=	
X84=	
+280=	
TOTAL	

CLAIMS AS AMENDED - PART II

21207

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	* 8 Minus ** 20 = 0	
	Independent	* 2 Minus *** 3 = 0	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

SMALL ENTITY OR

RATE	ADDITIONAL FEE
X\$ 9=	/
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OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE
X\$18=	/
X84=	/
+280=	/
TOTAL ADDIT. FEE	

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	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	* Minus ** =	
	Independent	* Minus *** =	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE
X\$ 9=	
X42=	
+140=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$18=	
X84=	
+280=	
TOTAL ADDIT. FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	* Minus ** =	
	Independent	* Minus *** =	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE
X\$ 9=	
X42=	
+140=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$18=	
X84=	
+280=	
TOTAL ADDIT. FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,516	08/19/2003	J. David Payne	57442/03-533	4504
22206	7590	04/30/2007	EXAMINER	
FELLERS SNIDER BLANKENSHIP BAILEY & TIPPENS THE KENNEDY BUILDING 321 SOUTH BOSTON SUITE 800 TULSA, OK 74103-3318			TRAN, NGHI V	
			ART UNIT	PAPER NUMBER
			2151	
			MAIL DATE	DELIVERY MODE
			04/30/2007	PAPER

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

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

Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.	Applicant(s)	
10/643,516	PAYNE, J. DAVID	
Examiner	Art Unit	
Nghi V. Tran	2151	

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

The amendment document filed on 12 February 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
 - A. Amended paragraph(s) do not include markings.
 - B. New paragraph(s) should not be underlined.
 - C. Other _____.
- 2. Abstract:
 - A. Not presented on a separate sheet. 37 CFR 1.72.
 - B. Other _____.
- 3. Amendments to the drawings:
 - A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - C. Other _____.
- 4. Amendments to the claims:
 - A. A complete listing of all of the claims is not present.
 - B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - D. The claims of this amendment paper have not been presented in ascending numerical order.
 - E. Other: See Continuation Sheet.
- 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

- 1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
- 2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) **only** if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.



Legal Instruments Examiner (LIE), if applicable

Telephone No.

Continuation of 4(e) Other:

According 37CRF1.121, manner of making amendments in applications, "the claim listing shall commence on a separate sheet of the amendment document and the sheet that contain the text of any part of the claims shall not contain any other part of the amendment ." For example, claims 10 and 11 shall not contain the remarks.

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TO	COMPANY NAME	FAX NUMBER
MAIL STOP AMENDMENT	USPTO	571-273-8300

FROM: Scott R. Zingerman, Reg. No. 35,422

**FELLERS, SNIDER, BLANKENSHIP,
BAILEY & TIPPENS, P.C.**
 The Kennedy Building
 321 South Boston Ave., Suite 800
 Tulsa, Oklahoma 74103-3318
 TELEPHONE: (918) 599-0621
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AUTO QUOTE: 57442

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/643,516
Applicant: J. David Payne
Filed: 08/19/2003
TC/A.U.: 2151
Examiner: TRAN, NGHI V

Confirmation No.: 4504

Docket No.: 57442/03-533
Customer No: 22206

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

CORRECTED AMENDMENT

Dear Sir:

Introductory Comments

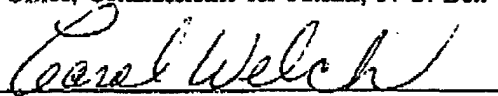
This corrected amendment is submitted in response to the Notice of Non-Compliant Amendment mailed April 30, 2007. If any fee is required by virtue of the filing of this paper, please also consider this a general authorization to charge Deposit Account No. 06-0540 for the same.

Applicant has corrected the listing of claims so that claims 10 and 11 do not contain the "remarks" section of the amendment.

CERTIFICATION UNDER 37 C.F.R. § 1.8(a)

I hereby certify that, on the date shown below, this correspondence is being transmitted via facsimile transmission to the United States Patent and Trademark Office, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 to number 1-571-273-8300.

Date: 5-8-2007


Carol Welch

Application No. 10/643,516
Amendment Dated 02/12/2007
Reply to Office Action of 08/10/2006
Page 2 of 11

Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) A method for managing data including the steps of:
 - (a) creating a questionnaire comprising a series of questions;
 - (b) tokenizing said questionnaire for reducing bandwidth requirements; thereby producing a plurality of tokens representing said questionnaire;
 - (c) transmitting said plurality of tokens to a remote computing device;
 - (d) 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;
 - (e) transmitting at least a portion of said response from the user to a server via a network; and
 - (f) storing said response at said server.

- 1 2. (Original) The method for managing data of claim 1 further comprising the step of:
 - 2 (g) translating said response to a format recognizable by a particular computer
 - 3 program; and
 - 4 (h) accessing the translated response from a computer executing said
 - 5 particular computer program.

- 6
- 7 3. (Original) The method for managing data of claim 1 wherein step (a) includes the
- 8 substeps of:
 - 9 (a) creating a questionnaire by:
 - 10 (i) entering a series of questions into a questionnaire design computer
 - 11 program;

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Reply to Office Action of 08/10/2006
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- 1 (ii) identifying within said questionnaire design computer program the
2 type of response allowed for each question of said series of
3 questions; and
4 (iii) identifying within said questionnaire design computer program a
5 branching path in said questionnaire for each possible response to
6 each question of said series of questions.
7
- 8 4. (Original) The method for managing data of claim 1 wherein step (b) includes the
9 substeps of:
10 (b) tokenizing said questionnaire thereby producing a plurality of tokens representing
11 said questionnaire by:
12 (i) assigning at least one token to each question of said series of questions;
13 (ii) assigning at least one token to each response called for in said series of
14 questions to identify the type of response required; and
15 (iii) assigning at least one token to each branch in said questionnaire to identify
16 the required program control associated with said branch.
17
- 18 5. (Original) The method of data management of claim 1 wherein the transmission of said
19 tokens in step (c) occurs via the network of step (e).
20
- 21 6. (Original) A method for modifying a questionnaire used in data management according
22 to the method of claim 1 including the steps of:
23 (a) making at least one incremental change to a portion of the questionnaire;
24 (b) tokenizing said at least one incremental change to said questionnaire;
25 (c) transmitting at least a portion of said tokens resulting from step (b) to a
26 remote computing device, said transmitted tokens comprising less than the
27 entire tokenized questionnaire;
28 (d) incorporating said transmitted tokens into said questionnaire at said remote
29 computing device.

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1

2 7. (Original) A method for collecting survey data from a user comprising:

- 3 (a) designing a questionnaire having branching logic on a first computer platform;
4 (b) automatically transferring said designed questionnaire to at least one
5 loosely networked computer;
6 (c) executing said transferred questionnaire on said loosely networked
7 computer, thereby collecting responses from the user;
8 (d) automatically transferring via the loose network any responses so
9 collected to a central computer; and,
10 (e) making available on the Web any responses transferred to said central
11 computer in step (d).

12

13 8. (Original) The method for collecting survey data according to claim 7 further
14 comprising:

- 15 (a) assessing a charge for each transferred response received by said central
16 computer.

17

18 9. (Currently Amended) A method for managing data transfers between computers
19 including the steps of:

- 20 (a) creating a questionnaire at a first site in a first computer located at a second site,
21 said first site and said second site being connected by a loose network;
22 (b) transmitting said question to a remote computer via said network, said remote
23 computer running an OIS;
24 (c) modifying said questionnaire with incremental changes at a third site in said first
25 computer located at said second site; and
26 (d) modifying said questionnaire in said remote computer with said incremental
27 changes.

28

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29 10. (Original) The method for managing data transfers between computers according to
30 claim 9 wherein said first site and said third site are the same.

31
32

33 11. (Original) The method for managing data transfers between computers according to
34 claim 9 wherein said third site is at said remote computer.

35

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REMARKS

Claims 1-11 are pending in the application. Claims 1-11 are rejected in the Office Action. Claim 1 is amended herein. Reconsideration and allowance of claims 1-11 is respectfully requested.

Specification

1. Applicant has reviewed and spell-checked the specification in an effort to correct minor errors as requested in the Office action, however, no such errors were identified.

Claim Rejections – 35 USC § 102

2. Paragraph 2 in the Office action includes a quotation of 35 U.S.C. § 102(e) that forms the basis for the rejections in the Office action. No response is required from Applicant.

3. Claims 1 and 5 are rejected in the Office action under 35 U.S.C. § 102(e) as being anticipated by Lew et al., U.S. Patent Application Publication No. 2004/0210472 (hereinafter Lew). Reconsideration and allowance of claim 1 and 5 is respectfully requested.

4. Claim 1 has been amended herein to recite “tokenizing said questionnaire for reducing bandwidth requirements.” Support for this amendment can be found in the Specification, p. 11 which reads:

[0031] 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.

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As stated therein, the purpose of the tokenizing step in the disclosure is to reduce the bandwidth requirements that are available with the use of handheld devices. Thus transmission speed is increased.

The Lew reference, in contrast, as asserted in the Office action, p. 3, teaches tokenizing for the purpose of encrypting survey information, paragraph 0013, "to protect it from tampering by third parties." The Lew reference does not teach tokenizing for the purpose of reducing bandwidth requirements as is recited in Applicant's disclosure and claim 1, as amended herein. Accordingly, the rejection of claim 1 under 35 U.S.C. § 102(e) is overcome. Reconsideration and allowance of claim 1 is respectfully requested.

5. Applicant reincorporates his remarks contained in paragraph 4 above relating to claim 1. Since claim 5 depends from claim 1, claim 5 is allowable at least for the reasons set forth above with regard to claim 1. Reconsideration and allowance of claim 5 is respectfully requested.

6. Claim 7 is rejected in the Office action under 35 U.S.C. § 102(e) as being anticipated by Sendowski et al, U.S. Patent Application Publication No. 2003/0198934 (hereinafter Sendowski). Reconsideration of claim 7 is respectfully requested.

7. Applicant respectfully disagrees that the Sendowski reference anticipates Applicant's claim 7. Specifically, Applicant disagrees that Sendowski teaches the step of "(b) automatically

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transferring said designated questionnaire to at least one **loosely networked computer**"

(emphasis added). Pursuant to Applicant's disclosure, a "loosely networked computer" is:

[0048] 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.

As described, pursuant to Applicant's disclosure and claim 7, the questionnaire is transmitted automatically to a loosely networked computer wherein if the information may be transmitted in real time or may be stored, or buffered, once a connection is restored.

This recitation from claim 7 is not disclosed by the Sendowski reference. Sendowski discloses a system wherein all are coupled to the Internet. The Sendowski reference does not disclose a loosely networked computer as recited by Applicant's claim 7.

The rejection of claim 7 in the Office action under 35 U.S.C. § 102(e) is overcome. Reconsideration and allowance of claim 7 is respectfully requested.

Claim Rejections – 35 USC § 103

8. Paragraph 8 in the Office action includes a quotation of 35 U.S.C. § 103(a) that forms the basis for all obvious rejections in the Office action. No response is required from Applicant.

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9. Claims 2-4, 6, and 9-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lew as applied to claim 1, above, and further in view of Sendowski. Reconsideration and allowance of claims 2-4, 6, and 9-11 is respectfully requested.

10. Claim 2 depends from claim 1. Applicant reincorporates its remarks in relation to claim 1 as set forth above with regard to the Lew reference. In that claim 2 includes all of the limitations of claim 1, claim 2 is allowable at least for the reasons set forth with regard to claim 1. Reconsideration and allowance of claim 2 is respectfully requested.

11. Claim 3 depends from claim 1. Applicant reincorporates its remarks in relation to claim 1 as set forth above with regard to the Lew reference. In that claim 3 includes all of the limitations of claim 1, claim 3 is allowable at least for the reasons set forth with regard to claim 1. Reconsideration and allowance of claim 3 is respectfully requested.

12. Claim 4 depends from claim 1. Applicant reincorporates its remarks in relation to claim 1 as set forth above with regard to the Lew reference. In that claim 4 includes all of the limitations of claim 1, claim 4 is allowable at least for the reasons set forth with regard to claim 1. Reconsideration and allowance of claim 4 is respectfully requested.

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Amendment Dated 02/12/2007
Reply to Office Action of 08/10/2006
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13. Claim 6 depends from claim 1. Applicant reincorporates its remarks in relation to claim 1 as set forth above with regard to the Lew reference. In that claim 6 includes all of the limitations of claim 1, claim 6 is allowable at least for the reasons set forth with regard to claim 1. Reconsideration and allowance of claim 6 is respectfully requested.

Applicant's claim 9 is amended herein to recite "(a) creating a questionnaire at a first site in a first computer located at a second site, said first site and said second site being connected by a loose network" As asserted above in paragraph 7, incorporated herein by reference, the Sendowski reference does not disclose or teach a loose network as recited in Applicant's disclosure and claim 9. Accordingly, the rejection of claim 9 in the Office action under 35 U.S.C. § 103(a) is overcome. Reconsideration and allowance of claim 9 is respectfully requested.

14. Claim 10 depends from claim 9. Applicant reincorporates its remarks in relation to claim 9 as set forth above with regard to the Sendowski reference. In that claim 10 includes all of the limitations of claim 9, claim 10 is allowable at least for the reasons set forth with regard to claim 9. Reconsideration and allowance of claim 10 is respectfully requested.

15. Claim 11 depends from claim 9. Applicant reincorporates its remarks in relation to claim 9 as set forth above with regard to the Sendowski reference. In that claim 11 includes all of the limitations of claim 9, claim 11 is allowable at least for the reasons set forth with regard to claim 9. Reconsideration and allowance of claim 11 is respectfully requested.

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Amendment Dated 02/12/2007
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16. Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Sendowski in view of Joao, U.S. Patent Application Publication No. 2001/0056374 (hereinafter Joao).

Reconsideration and allowance of claim 8 is respectfully requested.

17. Claim 8 depends from claim 7. Applicant reincorporates its remarks in relation to claim 7 as set forth above in paragraph 7 with regard to the Sendowski reference. In that claim 8 includes all of the limitations of claim 7, claim 8 is allowable at least for the reasons set forth with regard to claim 7. Reconsideration and allowance of claim 8 is respectfully requested.

A petition for an extension of time is submitted herewith. If any additional fee is made payable by the filing of this paper, please consider this our authorization to charge the Deposit Account of the undersigned, No. 06-0540.

Respectfully submitted,

Date: May 8, 2007

By Scott R. Zingerman
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PATENT APPLICATION FEE DETERMINATION RECORD
Effective January 1, 2003

Application or Docket Number

10643516

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	11	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	11 minus 20 = *	
INDEPENDENT CLAIMS	3 minus 3 = *	
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

* If the difference in column 1 is less than zero, enter "0" in column 2

SMALL ENTITY TYPE OR

OTHER THAN SMALL ENTITY

RATE	FEE
BASIC FEE	375.00
X\$ 9=	
X42=	
+140=	
TOTAL	375

RATE	FEE
BASIC FEE	750.00
X\$18=	
X84=	
+280=	
TOTAL	

CLAIMS AS AMENDED - PART II

21207

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	8 Minus	** 20	= 0
Independent	2 Minus	*** 3	= 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

SMALL ENTITY OR

OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE
X\$ 9=	/
X42=	/
+140=	/
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$18=	/
X84=	/
+280=	/
TOTAL ADDIT. FEE	

587 7 9

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	11 Minus	** 20	= 9
Independent	4 Minus	*** 3	= 1
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE
X\$ 9=	
X42=	
+140=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$18=	
X84=	100.00
+280=	
TOTAL ADDIT. FEE	100.00

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	Minus	**	=
Independent	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE
X\$ 9=	
X42=	
+140=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$18=	
X84=	
+280=	
TOTAL ADDIT. FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,516	08/19/2003	J. David Payne	57442/03-533	4504

22206 7590 05/22/2007
FELLERS SNIDER BLANKENSHIP
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EXAMINER

TRAN, NGHI V

ART UNIT	PAPER NUMBER
2151	

MAIL DATE	DELIVERY MODE
05/22/2007	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.

Office Action Summary	Application No. 10/643,516	Applicant(s) PAYNE, J. DAVID	
	Examiner Nghị V. Tran	Art Unit 2151	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 May 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

1. This office action is in response to the amendment filed on May 08, 2007.

Claims 1 have been amended. No claims have been canceled. Therefore, claims 1-11 are presented for further examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 7 is rejected under 35 U.S.C. 102(e) as being anticipated by Sendowski et al., U.S. Patent Application Publication No. 2003.0198934 (hereinafter Sendowski).

4. With respect to claim 7, Sendowski teaches a method for collecting survey data from a user [see abstract] comprising:

(a) designing a questionnaire [i.e. survey] having branching logic [i.e. branch script object, 124] on a first computer platform [i.e. web server, 121] [paragraphs 0023-0028 and 0041-0048];

(b) automatically transferring said designed questionnaire to at least one loosely networked computer [i.e. automatically generate an HTML question page or question form, paragraphs 0024-0031];

(c) executing said transferred questionnaire on said loosely networked computer, thereby collecting responses from the user [see abstract];

(d) automatically transferring via the loose network any responses so collected to a central computer [i.e. medical survey provider 120] [paragraph 0020 and table 3]; and,

(e) making available on the Web any responses transferred to said central computer in step (d) [fig.1].

Claim Rejections - 35 USC § 103

5. 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.

6. Claims 1, 5, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lew et al., U.S. Patent Application Publication No. 2004/0210472 (hereinafter Lew), in view of Porter, United States Patent Number 6,163,811 (hereinafter Porter).

7. With respect to claims 1 and 9, Lew teaches a method for managing data [see abstract] including the steps of:

- (a) creating a questionnaire [i.e. survey] comprising a series of questions [paragraphs 0005-0009];
- (b) tokenizing said questionnaire [i.e. encrypted survey information, paragraph 0013]; thereby producing a plurality of tokens representing said questionnaire [paragraphs 0005-0009];
- (c) transmitting said plurality of tokens to a remote computing device [i.e. the survey transmitter may transmit to the remote responding device in either a wired or a wireless manner, paragraph 0053];
- (d) executing at least a portion of said plurality of tokens representing said questionnaire at said remote computing device to collect a response [i.e. feedback] from a user [i.e. feed back from a user, paragraph 0036];
- (e) transmitting at least a portion of said response from the user to a server [i.e. a central facility] via a network [paragraph 0050]; and
- (f) storing said response at said server [i.e. all feedback is transmitted to the central facility, **S6100** of fig.2 and paragraph 0048].

However, Lew does not explicitly show tokenizing said questionnaire for reducing bandwidth requirements.

In a managing data method, Porter suggests tokenizing said questionnaire for reducing bandwidth requirements [i.e. tokenized form, generated from an original form, thereby reducing transmission bandwidth bandwidth requirement on communication medium **180**, see figs.1a-c and its decryptions].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Lew in view of Porter by tokenizing said questionnaire for reducing bandwidth requirements because this feature is using compression techniques to distribute source files over a network while minimizing the network bandwidth [Porter, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to reduce transmission bandwidth requirement [Porter, col.1, lns.65-67].

8. With respect to claim 5, Lew further teaches wherein the transmission of said tokens in step (c) occurs via the network of step (e) [fig.3].

9. Claims 2-4, 6, and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lew in view of Porter, as applied to claim 1 above; and further in view of Sendowski et al., U.S. Patent Application Publication No. 2003/0198934 (hereinafter Sendowski).

10. With respect to claim 2, Lew does not explicitly show the step of: (g) translating said response to a format recognizable by a particular computer program; and (h) accessing the translated response from a computer executing said particular computer program.

In a method for managing data, Sendowski suggests the step of: (g) translating said response to a format recognizable [i.e. XML data structural] by a particular

Art Unit: 2151

computer program [i.e. branching script engine, paragraphs 0007-0008]; and (h) accessing the translated response from a computer executing said particular computer program [paragraphs 0034-0053 and fig.2].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Lew in view of Porter, and further in view of Sendowski by accessing a translated response to a format recognizable by a particular computer program because this feature provides a framework of reusable software object implementing the creation and execution of any question-answer branching scripts [Sendowski, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to support thousands of concurrent users when it is required [Sendowski, paragraph 0005].

11. With respect to claim 3, Lew does not explicitly show 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.

In a method for managing data, Sendowski suggests wherein step (a) includes the substeps of: (a) creating a questionnaire by:

(i) entering a series of questions into a questionnaire design computer program [paragraphs 0034-0054];

(ii) identifying within said questionnaire design computer program the type of response allowed for each question of said series of questions [i.e. answer types, paragraph 0019 and table 2]; 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 [paragraphs 0018 and table 1].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Lew in view of Porter, and further in view of Sendowski by 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 because this feature provides a framework of reusable software object implementing the creation and execution of any question-answer branching scripts [Sendowski, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to support thousands of concurrent users when it is required [Sendowski, paragraph 0005].

12. With respect to claim 4, Lew does not explicitly show (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.

In a method for managing data, Sendowski suggests (i) assigning at least one token to each question of said series of questions [i.e. a question uses tokens, paragraph 0019]; (ii) assigning at least one token to each response called for in said series of questions to identify the type of response required [i.e. allows the answer to be collected into a name token, paragraph 0020]; and (iii) assigning at least one token to each branch in said questionnaire to identify the required program control associated with said branch [paragraphs 0041-0049].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Lew in view of Porter, and further in view of Sendowski by assigning at least one token to each question of said series of questions, to each response called for in said series of questions, and to each branch in said questionnaire because this feature provides a framework of reusable software object implementing the creation and execution of any question-answer branching scripts [Sendowski, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to support thousands of concurrent users when it is required [Sendowski, paragraph 0005].

13. With respect to claims 6 and 9, Lew teaches a method for managing data transfers between computers [see abstract and fig.1] including the steps of:

(a) creating a questionnaire [i.e. survey] at a first site [i.e. modulator 10] in a first computer [i.e. media conveyor 20] located at a second site [paragraphs 0026-0029], said first site and said second site being connected by a network [fig. 1];

(b) transmitting said question to a remote computer [i.e. remote responding device] via said network, said remote computer running an OIS [paragraph 0053];

However, Lew does not explicitly show modifying said questionnaire with incremental changes at a third site in said first computer located at said second site; and modifying said questionnaire in said remote computer with said incremental changes.

In a method for managing data, Sendowski modifying said questionnaire with incremental changes at a third site in said first computer located at said second site [i.e. TSLastModified of table 2 and paragraph 0058]; and modifying said questionnaire in said remote computer with said incremental changes [i.e. TSLastModified of table 2 and paragraph 0058].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Lew in view of Porter, and further in view of Sendowski by modifying said questionnaire with incremental changes at a third site in said first computer located at said second site; and modifying said questionnaire in said remote computer with said incremental changes because this feature provides a framework of reusable software object implementing the creation and execution of any question-answer branching scripts [Sendowski, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in

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order to support thousands of concurrent users when it is required [Sendowski, paragraph 0005].

14. With respect to claim 10, Lew further teaches wherein said first site and said third site are the same [fig.1].

15. With respect to claim 11, Lew further teaches wherein said third site is at said remote computer [fig.1].

16. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sendowski et al., U.S. Patent Application Publication No. 2003/0198934 (hereinafter Sendowski), in view of Joao, U.S. Patent Application Publication No. 2001/0056374 (hereinafter Joao).

17. With respect to claim 8, Sendowski does not explicitly show assessing a charge for each transferred response received by said central computer.

In a method for collecting survey data, Joao discloses assessing a charge [i.e. compensation, rewards, rebates and/or incentives can be provided for viewing, reviewing, participating in and/or interacting with, the entire survey, poll and/or questionnaire, paragraph 0230] for each transferred response received by said central computer [paragraphs 0228-0037].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Sendowski in view of Joao by assessing a charge for each transferred response received by said central computer because this feature can receive compensation, a reward, a rebate, and/or an incentive [Joao, paragraph 0009]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to facilitate commerce between any parties and/or any number of parties [Joao, paragraph 0009].

Response to Arguments

18. Applicant's arguments filed February 24, 2006 have been fully considered but they are not persuasive because of the following: Sendowski teaches a method for collecting survey data from a user [see abstract] comprising: (a) designing a questionnaire [i.e. survey] having branching logic [i.e. branch script object, **124**] on a first computer platform [i.e. web server, **121**] [paragraphs 0023-0028 and 0041-0048]; (b) automatically transferring said designed questionnaire to at least one loosely networked computer [i.e. automatically generate an HTML question page or question form, paragraphs 0024-0031]; (c) executing said transferred questionnaire on said loosely networked computer, thereby collecting responses from the user [see abstract]; (d) automatically transferring via the loose network any responses so collected to a central computer [i.e. medical survey provider **120**] [paragraph 0020 and table 3]; and, (e) making available on the Web any responses transferred to said central computer in step (d) [fig.1].

19. In response to applicant's argument with respect to claim 7, Sendowski does not disclose a loosely networked computer. Examiner respectfully disagrees because Sendowski suggests a loosely networked computer [i.e. Internet **101**]. Basically, the term "loosely networked" is used to describe a networked computer system in the applicant's disclosure [paragraph 0048]. "If the information may be transmitted in real time or may be stored, or buffered, once a connection is restored" is one of the embodiments of the applicant's disclosure, not a definition of the term "loosely networked".

20. Applicant's arguments with respect to claims 1-6 and 9-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

21. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi Tran
Patent Examiner
Art Unit 2151


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER

April 17, 2007

Notice of References Cited

Application/Control No. 10/643,516	Applicant(s)/Patent Under Reexamination PAYNE, J. DAVID	
Examiner Nghi V. Tran	Art Unit 2151	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2004/0210472	10-2004	Lew et al.	705/010
*	B	US-2003/0198934	10-2003	Sendowski et al.	434/350
*	C	US-6,163,811	12-2000	Porter, Swain W.	709/247
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
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	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Index of Claims



Application/Control No.

10/643,516

Examiner

Nghi V. Tran

Applicant(s)/Patent under Reexamination

PAYNE, J. DAVID

Art Unit

2151

√	Rejected
=	Allowed

-	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date												
Final	Original	5/16/07												
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/643,516 Confirmation No.: 4504
Applicant: J. David Payne
Filed: 08/19/2003
TC/A.U.: 2151
Examiner: TRAN, NGHI V

Docket No.: 57442/03-533
Customer No: 22206

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

AMENDMENT AND RESPONSE TO OFFICE ACTION
INCLUDING DECLARATION UNDER 37 C.F.R. SECTION 1.131
TO ACCOMPANY REQUEST FOR CONTINUED EXAMINATION (RCE)

Dear Sir:


Introductory Comments

This paper is submitted in response to the *final* Office action mailed May 22, 2007. Please consider this to be a Petition and Fee for Extension of Time for one (1) month. Applicant authorizes the use of a credit card in payment of the filing fee for the Request for Continued Examination in the amount of \$395.00 and the Request for Extension of Time in the amount of \$60.00. If any additional fee is required by virtue of the filing of this paper, please also consider this a general authorization to charge Deposit Account No. 06-0540 for the same.

CERTIFICATION UNDER 37 C.F.R. § 1.8(a)

I hereby certify that, on the date shown below, this correspondence is being transmitted via EFS WEB or facsimile transmission to the United States Patent and Trademark Office, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 to number 1-571-273-8300.

Date: 9-24-07



Carol Welch

Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) A method for managing data including the steps of:
 - (a) creating a questionnaire comprising a series of questions;
 - (b) tokenizing said questionnaire ~~for reducing bandwidth requirements~~; thereby producing a plurality of tokens representing said questionnaire;
 - (c) transmitting said plurality of tokens to a remote computing device;
 - (d) 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;
 - (e) transmitting at least a portion of said response from the user to a server via a network; and
 - (f) storing said response at said server.

2. (Original) The method for managing data of claim 1 further comprising the step of:
 - (g) translating said response to a format recognizable by a particular computer program; and
 - (h) accessing the translated response from a computer executing said particular computer program.

3. (Original) 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. (Original) 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. (Original) The method of data management of claim 1 wherein the transmission of said tokens in step (c) occurs via the network of step (e).

- 6. (Original) 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 computing device, said transmitted tokens comprising less than the entire tokenized questionnaire;
 - (d) incorporating said transmitted tokens into said questionnaire at said remote computing device.

7. (Original) A method for collecting survey data from a user comprising:
- (a) designing a questionnaire having branching logic on a first computer platform;
 - (b) automatically transferring said designed questionnaire to at least one loosely networked computer;
 - (c) executing said transferred questionnaire on said loosely networked computer, thereby collecting responses from the user;
 - (d) automatically transferring via the loose network any responses so collected to a central computer; and,
 - (e) making available on the Web any responses transferred to said central computer in step (d).
8. (Original) The method for collecting survey data according to claim 7 further comprising:
- (a) assessing a charge for each transferred response received by said central computer.
9. (Currently Amended) A method for managing data transfers between computers including the steps of:
- (a) creating a questionnaire at a first site in a first computer located at a second site, said first site and said second site being connected by a loose network;
 - (b) transmitting said ~~question~~ questionnaire to a remote computer via said network, said remote computer running an OIS;
 - (c) modifying said questionnaire with incremental changes at a third site in said first computer located at said second site; and
 - (d) modifying said questionnaire in said remote computer with said incremental changes.

10. (Original) The method for managing data transfers between computers according to claim 9 wherein said first site and said third site are the same.
11. (Original) The method for managing data transfers between computers according to claim 9 wherein said third site is at said remote computer.
12. (New) The method of claim 1 wherein said remote computing device is a loosely networked computer.
13. (New) The method of claim 7 further including tokenizing said designed questionnaire, thereby producing a plurality of tokens representing said questionnaire.
14. (New) The method of claim 13 wherein said tokens are automatically transferred to said at least one loosely networked computer.
15. (New) The method of claim 9 further including tokenizing said questionnaire, thereby producing a plurality of tokens representing said questionnaire.
16. (New) The method of claim 15 wherein said tokens are transmitted to said remote computer.

REMARKS

Claims 1-11 are pending in the application. Claims 1-11 are rejected in the Office Action. Claims 1 and 9 are amended herein. New claims 12-16 have been added. Reconsideration and allowance of claims 1-16 is respectfully requested.

Claim Rejections – 35 USC § 102

Claim 7 is rejected in the Office action under 35 U.S.C. § 102(e) as being anticipated by Sendowski et al., U.S. Patent Application Publication No. 2003/0198934 (hereinafter Sendowski). Reconsideration and allowance of claim 7 is respectfully requested.

Applicant respectfully disagrees that the Sendowski reference anticipates Applicant's claim 7. Specifically, Applicant disagrees that Sendowski teaches the step of "(b) automatically transferring said designated questionnaire to at least one loosely networked computer."

However, assuming only for purposes of argument that Sendowski does indeed substantially show or describe the applicants' invention, the Applicant hereby offers, pursuant to 37 CFR 1.131, the Inventor's Declaration that is included herewith as Exhibit A, which declaration establishes conception of the instant invention prior to Sendowski's earliest claimed priority date, coupled with due diligence from prior to Sendowski's earliest priority date through the date of filing of this application.

More particularly, Sendowski was published on October 23, 2003, from an application filed on March 29, 2002. However, the instant Applicant conclusively demonstrates in his attached Declaration that he conceived at least as early as January 1, 2002, and that he exercised due diligence from at least the date of conception until the instant application was filed on August 19, 2003, claiming priority from a United States Provisional patent application filed August 19, 2002. Thus, Sendowski must be removed as a reference with respect to this application.

Further, Sendowski does not claim the same subject matter as that claimed by the Applicant. Every pending claim (1-51) of the Sendowski reference requires the use of a “branch script object”, whereas the claims of the instant application clearly exclude recitation of a branch script object. As a consequence, the application as-amended does not claim the same subject matter as Sendowski.

Still further, Sendowski, a pending application, published during the pendency of the instant application — i.e., Sendowski published in October of 2003, and the instant application was filed in August of 2003 claiming the benefit of August of 2002. Thus, applicants are not barred by Sendowski’s published patent under 35 USC 102(b).

As a consequence, by virtue of the enclosed Declaration under Rule 1.131, Sendowski has been removed as a prior-art reference with respect to the subject matter of the instant application and rejection under 35 USC 102(e) is improper. Thus, Sendowski is traversed and claim 7, as well as claim 8 which depends therefrom, should be allowed to issue, which is respectfully requested

Claim Rejections – 35 USC § 103

Claims 1, 5 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lew et al., U.S. Patent Application Publication No. 2004/0210472 (hereinafter “Lew”) in view of Porter, U.S. Patent Number 6,163,811 (hereinafter “Porter”). Reconsideration and allowance of claims 1, 5 and 9 is respectfully requested.

An obviousness rejection under 35 U.S.C. § 103 is evaluated by the Office in view of *Graham v. John Deere Co.*, 383 US 1 (1966). Such analysis requires: (A) the claimed invention must be considered as a whole; (B) the references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination; (C) the references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and (D) reasonable expectation of success is the standard with which obviousness is determined. See MPEP 2141.

Applicant respectfully disagrees that Applicant’s claims 1, 5, and 9 would be obvious to one of skill in the art in light of the Lew reference in view of the Porter reference. Specifically, Applicant disagrees that Lew teaches or suggests “tokenizing said questionnaire” as recited in claims 1, 5, and 9.

However, assuming only for purposes of argument that Lew does indeed substantially show or describe the Applicant’s invention, the Applicant hereby offers, pursuant to 37 CFR 1.131, the Inventor’s Declaration that is included herewith as Exhibit A, which declaration establishes conception of the instant invention prior to Lew’s

earliest claimed priority date, coupled with due diligence from prior to Lew's earliest priority date through the date of filing of this application.

More particularly, Lew was published on October 21, 2004, from an application filed on July 24, 2003, claiming priority to a Provisional application filed on July 25, 2002. However, the instant Applicant conclusively demonstrates in his attached Declaration that he conceived at least as early as January 1, 2002, and that he exercised due diligence from at least the date of conception until the instant application was filed on August 19, 2003, claiming priority from a United States Provisional patent application filed August 19, 2002. Thus, Lew must be removed as a reference with respect to this application.

Further, Lew does not claim the same subject matter as that claimed by the Applicant. As stated previously, the claims of the Lew reference do not recite "tokenizing said questionnaire", as recited in claims 1, 5, and 9 of the instant application. As a consequence, the application does not claim the same subject matter as Lew.

Still further, Lew, a pending application, published during the pendency of the instant application — i.e., Lew published in October of 2004, and the instant application was filed in August of 2003 claiming the benefit of August of 2002. Thus, applicants are not barred by Lew's published patent under 35 USC 102(b).

As a consequence, by virtue of the enclosed Declaration under Rule 1.131, Lew has been removed as a prior-art reference with respect to the subject matter of the instant application and rejection under 35 USC 103(a) is improper. Thus, the rejection of claims 1, 5, and 9 based on Lew is traversed. The Porter reference does not teach or suggest all

of the elements of claims 2-4, 6, and 10-11 as a whole as is required to sustain a rejection under 35 U.S.C. § 103. As a result, claims 1, 5, and 9, as well as claims 2-4 and 6 which depend from claim 1 and claims 10 and 11 which depend from claim 9, should be allowed to issue, which is respectfully requested.

Claims 2-4, 6, and 10-11 are rejected in the Office action under 35 U.S.C. § 103(a) as being unpatentable over Lew in view of Porter, as applied to claim 1, and further in view of Sendowski.

Applicant incorporates herein the above remarks with regard to the Lew reference. In light of the fact that the Lew reference has been removed from consideration, the rejection of claims 2-4, 6, and 10-11 under 35 U.S.C. § 103(a) is traversed. Further, Applicant incorporates herein the above remarks with regard to the fact that the Sendowski reference is traversed. The Porter reference, by itself, does not teach or suggest all of the elements of claims 2-4, 6, and 10-11 as is required to sustain a rejection under 35 U.S.C. § 103. Reconsideration and allowance of claims 2-4, 6, and 10-11 is respectfully requested.

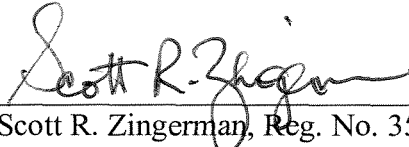
In the Office action, claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Sendowski in view of Joao, U.S. Patent Application Publication No. 2001/0056374 (hereinafter Joao).

Applicant incorporates herein the above remarks with regard to the Sendowski reference. In light of the fact that the Sendowski reference has been removed from consideration, the rejection of claim 8 under 35 U.S.C. § 103(a) is traversed. The Joao reference alone does not teach or suggest all of the elements of claim 8 as is required to

sustain a rejection under 35 U.S.C. § 103. Reconsideration and allowance of claim 8 is respectfully requested.

Respectfully submitted,

Date: September 24, 2007

By 
Scott R. Zingerman, Reg. No. 35,422

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(918) 599-0621

#416947 v1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: J. David PAYNE
Serial No.: 10/643,516
Filed: 08/19/2003
Confirmation No.: 4504
Title: System and Method for Data Management
Art Unit: 2151
Examiner: Nghi V. Tran

**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES
TO OVERCOME CITED PATENTS UNDER 37 CFR 1.131**

I, J. DAVID PAYNE, declare concerning the subject matter claimed in the above-identified application that:

1. I conceived and invented the entire subject matter of the above-identified patent application.
2. All of the acts of invention described herein took place in the United States.
3. Prior to January 1, 2002, I conceived the idea of a system and method for the management of data collected from a remote computing device wherein a questionnaire which may be represented by a plurality of tokens is transmitted to the remote computing device; the questionnaire is then executed by the remote computing device and at least a portion of the response(s) to the questionnaire is/are transmitted to a network which may be a loosely networked computer.
4. As is set out in more detail below, subsequent to January 1, 2002, I and others under my direction worked diligently to further reduce to practice and improve various

embodiments of this invention until the filing of my provisional patent application on August 19, 2002.

5. Prior to January 1, 2002 and at least until August 19, 2002, I was President of Macrosolve, Inc. (“Macrosolve”), the assignee of the present patent application.
6. Beginning in January 2002, Macrosolve moved to a larger facility to accommodate the hiring of additional employees, and specifically computer programmers, primarily for the purpose of writing code for my invention which was internally named “anyforms.”
7. Macrosolve, Inc. kept track of the percentage of time each computer programmer and other related employees dedicated to projects within the company in the relevant time period. Schedules, with employee names redacted, including the percentage of time devoted by each such employee between January 1, 2002 and July 31, 2002, is attached hereto as Exhibit B.
8. Based on Exhibit B, the table below shows number of employees working on the “anyforms” project and the average percentage of each employee’s time devoted to the “anyforms” project for the month indicated. The column on the right shows a calculation of the approximate total number of person hours spent on the “anyforms” project by month (assuming 4 weeks of 40 total hours per week).

MONTH	NO. OF EMPLOYEES WORKING ON THE “ANYFORMS” PROJECT	AVERAGE PERCENTAGE OF EACH EMPLOYEE’S TIME	TOTAL HOURS DEVOTED TO “ANYFORMS”
Jan. 2002	6	8	80
Feb. 2002	6	12	120
Mar. 2002	6	18	170
Apr. 2002	7	38	430
May 2002	7	76	850
June 2002	9	83	1190
July 2002	9	80	1150
		TOTAL	3990

9. Accordingly, between January 1, 2002 and August 2002, approximately 3990 hours were spent by me, and others under my direction, diligently and without interruption on the “anyforms” invention which was the subject matter of the provisional patent application (USSN 60/404,491) filed on August 19, 2002, the date from which the present application claims benefit.

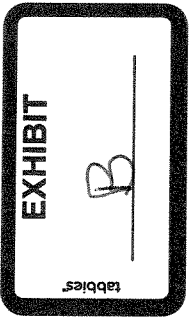
Declaration

I hereby declare that all statements made herein of my own knowledge are true and that statements made on information and belief are believed to be true; and further that these 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 willful, false statements may jeopardize the validity of this application or any patent issuing therefrom.

Date: 8.17.07


J. DAVID PAYNE

#412571 v1



Employee 1

	anyforms	anycollect	Project Enç	Consulting Support	Hardware	Royalty	MSI	TOTAL
January-02	10	15		5				70
February-02	15	55		5				25
March-02	20	75		3				2
April-02	50	49						1
May-02	100							100
June-02	100							100
July-02	100							100

Employee 2

	anyforms	anycollect	Project Enç	Consulting	Support	Hardware	Royalty	MSI	TOTAL
January-02	5	5	10					80	100
February-02	20	10	10					60	100
March-02	35	50						15	100
April-02	75		10					15	100
May-02	100								100
June-02	100								100
July-02	100								100

Employee 3

	anyforms	anycollect	Project Engr	Consulting	Support	Hardware	Royalty	MSI	TOTAL
January-02	10	25	5	5	5				55
February-02	10	40	10						40
March-02	20	75							5
April-02	30	60	5						5
May-02	97	0							3
June-02	97	0							3
July-02	97	0							3

Employee 4

	anyforms	anycollect	Project Enç	Consulting	Support	Hardware	Royalty	MSI	TOTAL
January-02		50							50 100
February-02		50							50 100
March-02		50							50 100
April-02	25	25							50 100
May-02	25	25							50 100
June-02	50								50 100
July-02	50								50 100

Employee 5

	anyforms	anycollect	Project Enç	Consulting Support	Hardware	Royalty	MSI	TOTAL
January-02	10	10						80
February-02	15	30						55
March-02	15	75						10
April-02	60	30						10
May-02	100							100
June-02	100							100
July-02	100							100

Employee 6

	anyforms	anycollect	Project Enç	Consulting	Support	Hardware	Royalty	MSI	TOTAL
January-02	5	5	60		30				100
February-02	5	10	50		35				100
March-02	10	5	55		30				100
April-02	10	5	60		25				100
May-02	30		50		20				100
June-02	25		50		25				100
July-02	25		50		25				100

Employee 7

August

	anyforms	anycollect	Project Enç	Consulting Support	Hardware	Royalty	MSI	TOTAL
January-02								0%
February-02								0%
March-02								0%
April-02								0%
May-02								0%
June-02	100%							100%
July-02	100%							100%

Employee 8

August

	anyforms	anycollect	Project Engagn	Consulting Support	Hardware	Royalty	MSI	TOTAL
January-02	10%	20%						70%
February-02	10%	20%						100%
March-02	15%	50%						100%
April-02	20%	50%						100%
May-02	80%	5%						100%
June-02	75%							100%
July-02	50%							100%

Employee 9

August

	anyforms	anycollect	Project Enç	Consulting Support	Hardware	Royalty	MSI	TOTAL
January-02								0%
February-02								0%
March-02								0%
April-02								0%
May-02								0%
June-02	100%							100%
July-02	100%							100%

Electronic Patent Application Fee Transmittal

Application Number:	10643516
Filing Date:	19-Aug-2003
Title of Invention:	System and method for data management
First Named Inventor/Applicant Name:	J. David Payne
Filer:	Scott R. Zingerman/Carol Welch
Attorney Docket Number:	57442/03-533

Filed as Small Entity

Utility Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 1 month with \$0 paid	2251	1		Unified Patents 60 Exhibit 10090

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Request for continued examination	2801	1	395	395
Total in USD (\$)				455

Electronic Acknowledgement Receipt

EFS ID:	2235060
Application Number:	10643516
International Application Number:	
Confirmation Number:	4504
Title of Invention:	System and method for data management
First Named Inventor/Applicant Name:	J. David Payne
Customer Number:	22206
Filer:	Scott R. Zingerman/Carol Welch
Filer Authorized By:	Scott R. Zingerman
Attorney Docket Number:	57442/03-533
Receipt Date:	24-SEP-2007
Filing Date:	19-AUG-2003
Time Stamp:	18:55:25
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	\$455
RAM confirmation Number	14394
Deposit Account	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part / zip (if appl.)	Pages (if appl.)
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1	Amendment Submitted/Entered with Filing of CPA/RCE	ScannedAmendmentResponseForRCE.pdf	1664443 99805972540f2d6f7a3a3256a7dbff2229318116	no	23
Warnings:					
Information:					
2	Fee Worksheet (PTO-06)	fee-info.pdf	8307 524b088971b4de3d6b943141ea415ef7876f5a91	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			1672750		

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.

PATENT APPLICATION FEE DETERMINATION RECORD
Effective January 1, 2003

Application or Docket Number

10643516

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	11	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	11 minus 20 = *	
INDEPENDENT CLAIMS	3 minus 3 = *	
MULTIPLE DEPENDENT CLAIM PRESENT		<input type="checkbox"/>

* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

21207

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	8 Minus	20	= 0
Independent	2 Minus	3	= 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			<input type="checkbox"/>

SMALL ENTITY TYPE OR

OTHER THAN SMALL ENTITY

RATE	FEE	OR	RATE	FEE
BASIC FEE	375.00	OR	BASIC FEE	750.00
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL	375	OR	TOTAL	

SMALL ENTITY OR

OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
X\$ 9=	/	OR	X\$18=	/
X42=	/	OR	X84=	/
+140=	/	OR	+280=	/
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

1587 7 9

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	11 Minus	20	= 9
Independent	4 Minus	3	= 1
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			<input type="checkbox"/>

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	100.00
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	100.00

9/24/07

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	16 Minus	20	= 4
Independent	3 Minus	4	= 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			<input type="checkbox"/>

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes application details for 10/643,516 and 22206, inventor J. David Payne, attorney Fellers Snider Blankenship Bailey & Tippens, examiner Tran, Nghi V, art unit 2151, and mail date 10/30/2007.

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.

411

Office Action Summary	Application No. 10/643,516	Applicant(s) PAYNE, J. DAVID	
	Examiner Nghị V. Tran	Art Unit 2151	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 September 2007.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

1. This office action is in response to the amendment filed on September 24, 2007. Claims 1 and 9 have been amended. No claims have been canceled. New claims 12-16 have been added. Therefore, claims 1-16 are presented for further examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 24, 2007 has been entered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 7 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Sendowski et al., U.S. Patent Application Publication No. 2003/0198934 (hereinafter Sendowski).

5. With respect to claim 7, Sendowski teaches a method for collecting survey data from a user [see abstract] comprising:

(a) designing a questionnaire [i.e. survey] having branching logic [i.e. branch script object, **124**] on a first computer platform [i.e. web server, **121**] [paragraphs 0023-0028 and 0041-0048];

(b) automatically transferring said designed questionnaire to at least one loosely networked computer [i.e. automatically generate an HTML question page or question form, paragraphs 0024-0031];

(c) executing said transferred questionnaire on said loosely networked computer, thereby collecting responses from the user [see abstract];

(d) automatically transferring via the loose network any responses so collected to a central computer [i.e. medical survey provider **120**] [paragraph 0020 and table 3]; and,

(e) making available on the Web any responses transferred to said central computer in step (d) [fig.1].

6. Regarding claim 13, Sendowski teaches tokenizing said designed questionnaire [= scripts are used for the collection of structure information, surveys, interviews, evaluations in the framework, see paragraph 0007], thereby producing a plurality of

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tokens representing said questionnaire [= script tokens can be used in questions, see abstract].

Claim Rejections - 35 USC § 103

7. 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.

8. Claims 1, 5, 9, 12, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lew et al., U.S. Patent Application Publication No. 2004/0210472 (hereinafter Lew), in view of Porter, United States Patent Number 6,163,811 (hereinafter Porter).

9. With respect to claims 1, 9, 12 and 15, Lew teaches a method for managing data [see abstract] including the steps of:

(a) creating a questionnaire [i.e. survey] comprising a series of questions [paragraphs 0005-0009];

(b) tokenizing said questionnaire [i.e. encrypted survey information, paragraph 0013]; thereby producing a plurality of tokens representing said questionnaire [paragraphs 0005-0009];

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(c) transmitting said plurality of tokens to a remote computing device [i.e. the survey transmitter may transmit to the remote responding device in either a wired or a wireless manner, paragraph 0053];

(d) executing at least a portion of said plurality of tokens representing said questionnaire at said remote computing device to collect a response [i.e. feedback] from a user [i.e. feed back from a user, paragraph 0036];

(e) transmitting at least a portion of said response from the user to a server [i.e. a central facility] via a network [paragraph 0050]; and

(f) storing said response at said server [i.e. all feedback is transmitted to the central facility, **S6100** of fig.2 and paragraph 0048].

However, Lew does not explicitly show tokenizing said questionnaire for reducing bandwidth requirements.

In a managing data method, Porter suggests tokenizing said questionnaire for reducing bandwidth requirements [i.e. tokenized form, generated from an original form, thereby reducing transmission bandwidth bandwidth requirement on communication medium **180**, see figs.1a-c and its decryptions].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Lew in view of Porter by tokenizing said questionnaire for reducing bandwidth requirements because this feature is using compression techniques to distribute source files over a network while minimizing the network bandwidth [Porter, see abstract]. It is for this reason that one of ordinary skill in

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the art at the time of the invention would have been motivated in order to reduce transmission bandwidth requirement [Porter, col.1, lns.65-67].

10. With respect to claims 5 and 16, Lew further teaches wherein the transmission of said tokens in step (c) occurs via the network of step (e) [fig.3].

11. Claims 2-4, 6, and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lew in view of Porter, as applied to claim 1 above, and further in view of Sendowski et al., U.S. Patent Application Publication No. 2003/0198934 (hereinafter Sendowski).

12. With respect to claim 2, Lew does not explicitly show the step of: (g) translating said response to a format recognizable by a particular computer program; and (h) accessing the translated response from a computer executing said particular computer program.

In a method for managing data, Sendowski suggests the step of: (g) translating said response to a format recognizable [i.e. XML data structural] by a particular computer program [i.e. branching script engine, paragraphs 0007-0008]; and (h) accessing the translated response from a computer executing said particular computer program [paragraphs 0034-0053 and fig.2].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Lew in view of Porter, and further in view of

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Sendowski by accessing a translated response to a format recognizable by a particular computer program because this feature provides a framework of reusable software object implementing the creation and execution of any question-answer branching scripts [Sendowski, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to support thousands of concurrent users when it is required [Sendowski, paragraph 0005].

13. With respect to claim 3, Lew does not explicitly show 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.

In a method for managing data, Sendowski suggests wherein step (a) includes the substeps of: (a) creating a questionnaire by:

(i) entering a series of questions into a questionnaire design computer program [paragraphs 0034-0054];

(ii) identifying within said questionnaire design computer program the type of response allowed for each question of said series of questions [i.e. answer types, paragraph 0019 and table 2]; and

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(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 [paragraphs 0018 and table 1].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Lew in view of Porter, and further in view of Sendowski by 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 because this feature provides a framework of reusable software object implementing the creation and execution of any question-answer branching scripts [Sendowski, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to support thousands of concurrent users when it is required [Sendowski, paragraph 0005].

14. With respect to claim 4, Lew does not explicitly show (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.

In a method for managing data, Sendowski suggests (i) assigning at least one token to each question of said series of questions [i.e. a question uses tokens, paragraph 0019]; (ii) assigning at least one token to each response called for in said series of questions to identify the type of response required [i.e. allows the answer to be

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collected into a name token, paragraph 0020]; and (iii) assigning at least one token to each branch in said questionnaire to identify the required program control associated with said branch [paragraphs 0041-0049].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Lew in view of Porter, and further in view of Sendowski by assigning at least one token to each question of said series of questions, to each response called for in said series of questions, and to each branch in said questionnaire because this feature provides a framework of reusable software object implementing the creation and execution of any question-answer branching scripts [Sendowski, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to support thousands of concurrent users when it is required [Sendowski, paragraph 0005].

15. With respect to claims 6 and 9, Lew teaches a method for managing data transfers between computers [see abstract and fig.1] including the steps of:

(a) creating a questionnaire [i.e. survey] at a first site [i.e. modulator 10] in a first computer [i.e. media conveyor 20] located at a second site [paragraphs 0026-0029], said first site and said second site being connected by a network [fig.1];

(b) transmitting said question to a remote computer [i.e. remote responding device] via said network, said remote computer running an OIS [paragraph 0053];

However, Lew does not explicitly show modifying said questionnaire with incremental changes at a third site in said first computer located at said second site;

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and modifying said questionnaire in said remote computer with said incremental changes.

In a method for managing data, Sendowski modifying said questionnaire with incremental changes at a third site in said first computer located at said second site [i.e. TSLastModified of table 2 and paragraph 0058]; and modifying said questionnaire in said remote computer with said incremental changes [i.e. TSLastModified of table 2 and paragraph 0058].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Lew in view of Porter, and further in view of Sendowski by modifying said questionnaire with incremental changes at a third site in said first computer located at said second site; and modifying said questionnaire in said remote computer with said incremental changes because this feature provides a framework of reusable software object implementing the creation and execution of any question-answer branching scripts [Sendowski, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to support thousands of concurrent users when it is required [Sendowski, paragraph 0005].

16. With respect to claim 10, Lew further teaches wherein said first site and said third site are the same [fig.1].

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17. With respect to claim 11, Lew further teaches wherein said third site is at said remote computer [fig.1].

18. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sendowski et al., U.S. Patent Application Publication No. 2003/0198934 (hereinafter Sendowski), in view of Joao, U.S. Patent Application Publication No. 2001/0056374 (hereinafter Joao).

19. With respect to claim 8, Sendowski does not explicitly show assessing a charge for each transferred response received by said central computer.

In a method for collecting survey data, Joao discloses assessing a charge [i.e. compensation, rewards, rebates and/or incentives can be provided for viewing, reviewing, participating in and/or interacting with, the entire survey, poll and/or questionnaire, paragraph 0230] for each transferred response received by said central computer [paragraphs 0228-0037].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Sendowski in view of Joao by assessing a charge for each transferred response received by said central computer because this feature can receive compensation, a reward, a rebate, and/or an incentive [Joao, paragraph 0009]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to facilitate commerce between any parties and/or any number of parties [Joao, paragraph 0009].

Response to Arguments

20. Applicant's arguments filed September 24, 2007 have been fully considered but they are not persuasive because of the following: Sendowski teaches a method for collecting survey data from a user [see abstract] comprising: (a) designing a questionnaire [i.e. survey] having branching logic [i.e. branch script object, **124**] on a first computer platform [i.e. web server, **121**] [paragraphs 0023-0028 and 0041-0048]; (b) automatically transferring said designed questionnaire to at least one loosely networked computer [i.e. automatically generate an HTML question page or question form, paragraphs 0024-0031]; (c) executing said transferred questionnaire on said loosely networked computer, thereby collecting responses from the user [see abstract]; (d) automatically transferring via the loose network any responses so collected to a central computer [i.e. medical survey provider **120**] [paragraph 0020 and table 3]; and, (e) making available on the Web any responses transferred to said central computer in step (d) [fig.1].

21. In response to applicant's argument with respect to claim 7, Sendowski does not disclose a loosely networked computer, the examiner respectfully disagrees because Sendowski suggests a loosely networked computer [i.e. Internet **101**]. Basically, the term "loosely networked" is used to describe a networked computer system in the applicant's disclosure [paragraph 0048]. "If the information may be transmitted in real time or may be stored, or buffered, once a connection is restored" is one of the

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embodiments of the applicant's disclosure, not a definition of the term "loosely networked".

22. The Affidavits filed on September 24, 2007 under 37 CFR 1.131 has been considered but is ineffective to overcome Sendowski et al., United States Patent Application Publication Number 2003/0198934 (hereinafter Sendowski).

The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Sendowski. While conception is the mental part of the inventive act, it must be capable of proof, such as demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897).

The affidavit or declaration and exhibits must clearly explain which facts or data applicant is replying on to show completion of his or her invention prior to the particular date. Vague and general statements in broad terms about what the exhibits describe along with a general assertion that the exhibits describe a reduction to practice "amount essentially to mere pleading, unsupported by proof or showing of facts" and thus, does not satisfy the requirements of 37 CFR 1.131(b). In *re Borkowski*, 505 F.2d 713, 184 USPQ 29 (CCPA 1974). Applicant must give a clear explanation of the exhibit pointing out exactly what facts are established and relied on the applicant. 505 F. 2d at 718-19, 184 USPQ at 33. See also *In re Harry*, 33 F.2d 920, 142 USPQ 164 (CCPA 1964)

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(Affidavit "asserts the facts exist but does not tell what they are or when they occurred.").

When alleging that the conception or a reduction to practice occurred prior to the effective date of the reference, the dates in the oath or declaration may be the actual dates or, if the applicant or patent owner does not desire to disclose his or her actual dates, he or she may merely allege that the acts referred to occurred prior to a specified date. However, the actual dates of acts relied on to establish diligence must be provided. See MPEP 715.07 (a) regarding the diligence requirement.

23. In response to applicant's argument that Lew does not recite, "tokenizing said questionnaire," the examiner respectfully disagree. Lew discloses encrypted survey information [paragraph 0005-0009 and 0013]. Encrypting survey information is nothing more than tokenizing said questionnaire.

Conclusion

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi Tran
Patent Examiner
Art Unit 2151

October 17, 2007


JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Index of Claims



Application/Control No.

10/643,516

Examiner

Nghi V. Tran

Applicant(s)/Patent under Reexamination

PAYNE, J. DAVID

Art Unit

2151

√	Rejected
=	Allowed

-	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date			
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Search Notes



Application/Control No.

10/643,516

Examiner

Nghi V. Tran

Applicant(s)/Patent under Reexamination

PAYNE, J. DAVID

Art Unit

2151

SEARCHED

Class	Subclass	Date	Examiner
709	203	10/17/2007	NT
709	223	10/17/2007	NT
709	224	10/17/2007	NT

**SEARCH NOTES
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
Update keyword search using EAST	10/17/2007	NT

INTERFERENCE SEARCHED

Class	Subclass	Date	Examiner

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Payne	Confirmation No.: 4504
Serial No.: 10/643,516	
Filed: 08/19/2003	Group Art Unit: 2151
Title: SYSTEM AND METHOD FOR DATA MANAGEMENT	Examiner: Nghị V. Tran
Attorney Docket No.: 57442/03-533	

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

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

This Supplemental Information Disclosure Statement is submitted:

- under 37 CFR 1.97(b), or
(Within three months of filing national application; or date of entry of international application; or before mailing date of first office action on the merits; whichever occurs last)
- under 37 CFR 1.97(c) together with either a:
 Statement under 37 CFR 1.97(e), or
 a \$180.00 fee under 37 CFR 1.17(p), or
(After the CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- under 37 CFR 1.97(d) together with a:
 Statement under 37 CFR 1.97(e), and
 a \$180.00 fee set forth in 37 CFR 1.17(p).
(Filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)

Applicant(s) submit herewith Form PTO/SB/08a (substitute for PTO Form 1449A/PTO). Since the Patent Office is waiving the requirement under 37 CFR 1.98(a)(2)(i) for submitting a copy of each cited U.S. Patent and each U.S. patent publication for all U.S. national patent applications filed after June 30, 2003, applicant is not enclosing the U.S. patent references. If appropriate, applicant is, however, enclosing copies of publications and other information of which applicant is aware, which applicant believes may be material to the examination of this

application and for which there may be a duty to disclose in accordance with 37 CFR 1.56. Consideration of the foregoing in relation to this application is respectfully requested.

It is requested that the information disclosed herein be made of record in this application.

CERTIFICATE OF SERVICE

I hereby certify that this Correspondence is being deposited with the United States Postal service with sufficient postage for first class mail in an envelope address to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or the correspondence is being facsimile transmitted to the USPTO, or the correspondence is being filed via EFS-web, on the date indicated below.

Date of Deposit: January 30, 2008

Typed Name: Carol Welch

Signature: Carol Welch

#429368 v1

Respectfully submitted,

Scott R. Zingerman

Scott R. Zingerman
Attorney/Agent for Applicant(s)
Reg. No. 35422

Date: January 29, 2008

Telephone No.: 918/599-0621

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Payne	Examiner: Nghì V. Tran
Serial No.: 10/643,516	Group Art Unit: 2151
Filing Date: 08/19/2003	
Title: SYSTEM AND METHOD FOR DATA MANAGEMENT	
Attorney Docket No.: 57442/03-533	

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT UNDER 37 CFR 1.97(e)

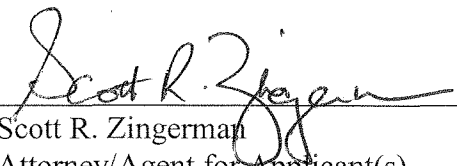
Sir:

The undersigned hereby certifies that either:

- (X) Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, not more than three months prior to the filing of the statement, or
- () No item of information contained in the Information Disclosure Statement
 - was cited in a communication from a foreign patent office in a counterpart foreign application, and
 - to the knowledge of the undersigned, after making reasonable inquiry, was known to an individual designated in 37 CFR 1.56 (c) more than three months prior to the filing of the Information Disclosure Statement.

Respectfully Submitted,

Payne

By 
Scott R. Zingerman
Attorney/Agent for Applicant(s)
Reg. No.: 35422

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Date of Deposit: 01-30-2008

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Telephone No.: 918/599-0621

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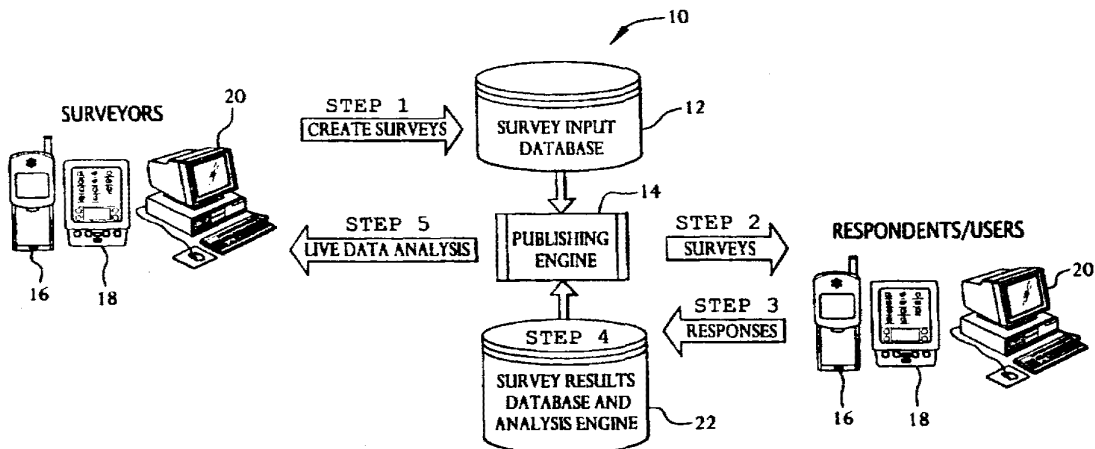
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For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

(54) Title: SYSTEM FOR CONDUCTING ELECTRONIC SURVEYS



(57) Abstract: A system for simultaneous surveying and data collection from multiple types of electronic communication devices. The invention provides an apparatus and process for (1) creating a survey, (2) simultaneously publishing the survey to respondents via a plurality of types of electronic communications devices, and (3) making the results of the survey available to the creator of the survey via communications devices of the creator's choice.

WO 01/84433 A1

SYSTEM FOR CONDUCTING ELECTRONIC SURVEYSFIELD OF THE INVENTION

The present invention relates in general to a system including apparatus and methods for conducting surveys and, more particularly, to an electronic survey conducting system simultaneously operable on many kinds of electronic communications devices, including wireless devices.

BACKGROUND OF THE INVENTION

Surveying public opinion and thoughts has been done for a long period of time. Generally, the techniques for soliciting opinions have improved with improving technology, starting with paper and mail and progressing to telephone surveys and solicitations. Currently, the proliferation of communications media and devices has greatly expanded the opportunities and ways by which to survey targeted groups for their opinions and thoughts. For example, even exclusively within the context of Internet surveying, there are multiple means by which users or respondents communicate with the Internet and can respond to Internet surveys. However, as presently conducted, Internet surveys are device-specific. That is, they are designed to be carried out using only a single one of several classes of Internet-compatible communications devices, e.g., a personal computer (PC) or a wireless device such as a personal digital assistant (PDA) or cellular telephone (cell phone). This limits the scope of the survey to only one means of connectivity to a particular network. This may be problematic for a potential survey respondent who possesses only one type of communications device or who possesses more than one type of communications device but, because of preference, habit or necessity, tends to use one type of device more frequently, oftentimes considerably more

frequently, than the others. Under these circumstances, such a potential respondent may not be captured within the pool of respondents whose input may be of importance to the survey administrator. This reduces the number of potential respondents that may be incorporated into the survey which, in turn, reduces the reliability of the survey results. Therefore, there is a need in the art for a system including methods and apparatus for conducting a survey with respondents having multiple means of connectivity to a particular network, whereby the respondents may participate in the survey regardless of the means by which they choose to connect to the network.

SUMMARY OF THE INVENTION

The present invention provides a system including methods and apparatus for simultaneous surveying and data collection from multiple types of electronic communication devices. The invention provides a process for (1) creating a survey, (2) simultaneously publishing the survey to respondents via a plurality of types of electronic communications devices, and (3) making the results of the survey available to the creator of the survey via communications devices of the creator's choice. More particularly, the process comprises

(a) creating a survey by writing the survey materials and placing the survey materials into a first database as survey input data;

(b) wrapping each element of survey input data with desired markup language tags defined in a schema to provide a collection of data in a markup language-wrapped document;

(c) publishing the markup language-wrapped document parsed using the survey input data, wherein the survey input data are in the form of a collection of markup language-

wrapped data, by parsing the markup language-wrapped data against the schema;

(d) sending the parsed, markup language-wrapped data in output defined style sheets to a plurality of types of interface devices via suitable communications networks;

(e) receiving survey response data in a second database via suitable communications networks; and

(f) analyzing and publishing the retrieved data by wrapping the retrieved data in a desired markup language text.

Preferably, the markup language-wrapped data are further validated against a pre-defined schema. Additionally, the analyzed data is preferably further parsed against a second schema to enable the analyzed data to be accessed by at least one interface device type specified by a creator of the survey.

The invention further includes a survey publishing system for simultaneous surveying and data collection from multiple interface device types. The publishing system enables a party to create a survey and publish the survey to potential survey respondents having multiple interface device types. Additionally, the publishing system gathers and analyzes the survey results and makes the results available to the survey creator in one or more formats compatible with interface device types of the survey creator's choosing.

The survey publishing system comprises a survey input database into which the survey creator inputs and stores all relevant information associated with particular survey (including, without limitation, the question(s) to be answered by the respondents, the types of interface devices the surveyor chooses to receive the survey, and the time or numerical response limits of the survey). The system further

comprises a publishing engine for transmitting the surveys stored in the survey input database in the desired formats to the desired interface devices. Upon receipt of the surveys, the respondents answer the questions posed therein and transmit their responses to a survey results database and analysis engine of the survey publishing system. From the survey results database and analysis engine, the analyzed survey results are sent to the publishing engine where they may be retrieved by the surveyors using the interface devices of their choice.

According to the present invention, therefore, surveyors can create surveys that can simultaneously reach multiple types of interface devices; respondents using a variety of interface devices may participate in a survey; and, surveyors receive more complete and meaningful survey information than heretofore available using conventional single device surveys.

Other details, objects and advantages of the present invention will become apparent as the following description of the presently preferred embodiments and presently preferred methods of practicing the invention proceeds.

BRIEF DESCRIPTION OF THE DRAWINGS

The invention will become more readily apparent from the following description of preferred embodiments shown, by way of example only, in the accompanying drawings wherein:

FIG. 1 is a symbolic diagram of the essential components of the survey publishing system according to the present invention and the overall process enabled by the system;

FIG. 2 is a flowchart illustrating the process by which a surveyor creates a survey;

FIG. 3 is a flowchart illustrating the process by which the survey is published to the respondents who will participate in the survey;

FIG. 4 is a flowchart illustrating the process by which the survey is implemented and the data is collected from the respondents;

FIG. 5 is a drawing showing the data analysis process used to analyze the data collected as shown in FIG. 4; and

FIG. 6 is a drawing showing the process by which the results of the survey are published to the party who originally requested the survey.

DETAILED DESCRIPTION OF THE INVENTION

As used herein, the following terms shall have the meanings set forth below.

Schema is a document that defines tags.

Tags are definitions or titles of data specific for a particular user/surveyor agent.

Parser Engine parses data according to tags defined in the schema.

Style Sheet is an output specification corresponding to the display parameters of an output or interface device.

Referring to the drawings, wherein like or similar references designate like or similar elements throughout the several views, there is shown in FIG. 1 the overall system according to the invention, including apparatus and process, for creating and publishing electronic surveys and for collecting and analyzing data generated by the surveys. In

FIG. 1 the survey creators or surveyors are depicted on the left side and the users, or survey respondents, on the right side. The overall process is generally represented as follows:

Step 1: Survey Creation: The surveyor creates a survey using a survey publishing system which is generally indicated by reference numeral 10. During this step, the surveyor determines, *inter alia*, the type of survey, the number of respondents desired (or, alternatively, the time limit of survey), and desired interface device types on which to publish the survey on (PC, PDA, cell phone, etc.). Also, as will be more readily appreciated by reference to FIG. 2 and its corresponding description, it is at this stage the survey questions are created by the surveyor. The survey information, including the questions, is stored in dedicated database tables in a survey input database 12, where it can be accessed for later use.

Step 2: Survey Publishing: This step involves taking the initial survey data (questions, types, formats) and publishing them via suitable communications networks (wired or wireless) to various types of user/respondent computing or interface devices. Since there are many different device types, i.e., cell phone, PDA, PC, as well as future devices, that may be capable of implementing the present survey system, the formatting must be different for each type of device. As described hereinafter, a publishing engine 14 of survey publishing system 10 will determine which type of respondent interface device (e.g., cell phone 16, PDA 18 or PC 20) is making a request to respond to a survey. Thereafter, publishing engine 12 will publish the survey over to interface device 16, 18 or 20 over an appropriate communications network (wired or wireless) in the appropriate format for that device.

Step 3: Survey Implementation/Data Collection: At this step, the user responds to the survey questions. The response data is transmitted by the survey respondent over the communications network and is collected at a survey results database and analysis engine 22 of survey publishing system 10. This data includes not only the responses to the survey questions, but user data, such as interface device type, and session information, such as length of survey, time of day, and so on.

Step 4: Data Analysis: Once the response data is collected from a respondent's device, the unprocessed survey data is stored in "raw data" database tables of the survey results database. Statistical analysis is then performed on the raw data by the data analysis engine using stored procedures. The type of analysis is specified by the surveyor and analyzed or processed data results are stored in dedicated "analyzed data" database tables.

Step 5: Analyzed Data Publishing and Reporting: Once the data has been analyzed in accordance with parameters prescribed by the surveyor, reports and results are published by publishing engine 14. As specified by the surveyor, publishing engine 14 makes the survey results and reports available for access by the surveyor via one or more interface devices (e.g., cell phone 16, PDA 18 or PC 20). The survey results may be "pushed" by the survey publishing system server to the surveyor in the manner known in the art. Alternatively, and preferably, the survey results and reports may passively reside on the survey publishing system server where they may be "pulled" or retrieved by the surveyor. In the latter case, survey publishing system 10 may be programmed to notify the surveyor via electronic mail message or otherwise that the survey results are available for access. It will be understood that publishing engine 14

will publish different levels and depth of data according to the interface device specified by the surveyor to receive the data, e.g., a cell phone will only get high level reports, whereas a PC will receive detailed analysis.

FIG. 2 illustrates the survey creation process. This process preferably occurs in a secure administration environment, such as a password protected web site, where the surveyor can access all of its pertinent information, and build surveys to be presented to users. The survey creation process is outlined below.

Initially, at step 24, the surveyor logs in to the administration center's secure website, enters the appropriate user and password information to gain access to the survey publishing system 10 and, upon gaining such access, selects "Create Survey" at step 26. Thereafter, the surveyor determines all the variable factors of the survey. The variable factors include:

Name of survey (step 28)- quite simply, the title of the survey that can be used by both the surveyor and the respondents to refer to the survey.

Description of survey (step 28)- information provided by the surveyor for the purpose of describing the survey in a text field.

Number of respondents desired (step 30)- at this step, the surveyor selects how many survey responses it wants to limit the survey to. The surveyor may also select the option of "no limit."

Time limit (step 30)- the surveyor selects an ending date/time for the poll.

Priority: time or number of responses (step 30)- the surveyor chooses which should take priority, the time limit of the survey or the number of responses.

Type of devices desired (step 32) - the surveyor selects what kinds of interface devices they want to be able to respond to the survey. This will determine how and on which devices the poll will be published, e.g., cell phone, PDA, PC, as well as future devices.

Survey Introduction (step 34) - this enables the surveyor to input a narrative introduction to the survey including information such as the purpose of the survey and the sorts of information that the surveyor is seeking to collect. The survey introduction appears as text area that users will see on their interface devices when they begin to take the survey.

Survey Incentive/Call to Action (step 36) - at this point, if desired, the surveyor can create an incentive for a user who responds to the survey. It may be in the form of a text field to be entered by the client and can be presented as a discount, offer, or a uniform resource locator (URL) or hyperlink that can serve as a call to action.

Write question (step 38) - this is a text area that enables the surveyor to enter a question to be posed to the user.

Choose response type (step 40) - this step allows the surveyor to select the type of responses for the question, e.g., Yes/No, True/false, single selections, multiple selections, text boxes, numerical rating, numerical, Agree/Disagree scale, and so on.

Enter number of responses (step 42) - if the chosen response type is not Yes/No or True/False, then the surveyor will specify how many responses to choose from for that question.

Label responses (step 44) - this is a text area that enables the surveyor to provide descriptive text for the different responses based on the different question types.

Require response from user? (step 46) - this step enables the surveyor to specify whether a response to a particular question is mandatory.

Final question? (step 48) - if there are more questions to be created, the surveyor returns to write question step 38 and repeats steps 38-46). If there are no more questions to be added to the survey, the surveyor so indicates and the survey creation process terminates at step 50.

FIG. 3 illustrates the process of publishing the survey created according to FIG. 2. Upon completion of creation of a survey, the survey parameters are stored in dedicated database tables in survey input database 12. Publishing engine 14 thereafter publishes or "pushes" the survey in the appropriate formats to the interface device types targeted for the survey. To do so, survey publishing system 10 employs a markup language translation layer 52 that wraps each element of survey input data with markup tags defined in a schema to provide a collection of data in a markup language-wrapped document. The markup language translation layer 52 preferably utilizes a plurality of markup language technologies in order to leverage the survey data to multiple types of interface devices. According to a presently preferred embodiment, markup language translation layer 52 utilizes extensible markup language (XML), standard query language (SQL) and dynamic page creation technologies such as JAVA and PERL to achieve the desired objectives. It will be understood that markup language translation layer 52 may include any combination of the foregoing alone or in combination with one or more of hypertext markup language (HTML), wireless markup language (WML), user interface

markup language (UIML) or other form of presently existing or yet to be developed standard generalized markup language (SGML) that may be used to realize the objectives of the present invention. Most preferably, the markup language translation layer 52 is preferably readily programmable or configurable to accommodate any markup languages that may be required to push survey data in survey input database 12 in formats appropriate to all presently known and hereinafter developed interface devices.

According to a presently preferred embodiment, data collected during the survey building or creation process is stored in the survey input database 12 and translated to XML for optimal portability vis-à-vis presently available interface devices. Using publishing engine 14, the surveyor may opt to publish the survey immediately after creation and simultaneously to all types of devices. In the alternative, the surveyor may choose to delay the launch of the survey or stagger the times at which the survey information is published to the various interface devices selected for participation in the survey. By way of example, publishing engine 14 may at present be configured to publish to cell phones using the wireless application protocol (WAP) (which incorporates WML), short messaging service (SMS) using the global system for mobile communication (GSM) or VoiceXML. Likewise, publishing engine may also publish to computer browsers via HTML and to Palm® devices or other PDAs using PalmOS or other suitable PDA operating systems (or SMS) depending on where the surveyor wishes the poll to be published.

Preferably, with one data set, all Internet appliances or interface devices are deployed ubiquitously. The following is a brief discussion of the formats having the

broadest compatibility with presently available interface device technology.

WAP. WAP is primarily WML and WML script, but many different cell phones (User Agents) require slight modifications to the WAP standard. Preferably, markup language translation layer 52 includes a database of User Agents and their respective differences versus standard WAP. The present inventors have discovered that by using XML, customized style sheets may be created for each User Agent to ensure that all devices will work as designed.

HTML. For publishing to HTML, it is preferable to use HTML 3.2 to allow some retroactive compatibility with older versions of web browsers. In any event, HTML surveys should be 100% compliant with Netscape Navigator® 4.0 and later and Microsoft Internet Explorer® 4.0 and later, which presently account for more than 90% of the browser market.

PalmOS. For PalmOS, publishing engine 14 should be capable of publish using the current Palm-compatible formats including Web Clipping and Palm Query Application (PQA). Using XML or other SGML, it would preferable to create versions of PDA operating systems that are compatible with Palm® and other PDAs.

Once pushed to the desired interface devices, the formatted surveys reside as customized surveys 54 on the various devices. The respondents may then participate in the surveys and transmit their respondent data over the appropriate communication networks (wired or wireless) to the survey results database and analysis engine 22.

FIG. 4 illustrates the process by which respondents reply to the survey. The process begins when the user, at step 56, directs his or her interface device to a URL associated with the stored survey. Data is collected in three distinct data streams during the survey

implementation/data collection process - user profile, user session, and user response. To verify a particular device type, at step 58 data identifying the responding device is transmitted to the publishing engine 14. At the publishing engine, the device type is compared, at step 60, against a database table for acceptable device types. If the device is not found to be valid, an error message is displayed, at step 62, on the user's device at which point the user may again to participate in the survey at step 56.

If the user's device is determined to be valid, the survey begins. Initially, at step 64, the survey title and description are displayed, followed at step 66 by the first survey question 66. At step 68 the user responds to the first question and the response and user data is transmitted, at step 70, to the survey results and analysis engine 22. The survey questions and user responses thereto continue to be generated in turn until the final question is displayed and responded to at step 72. At this point, the system logic checks, at step 74, to determine whether the surveyor has not specified an incentive/call to action to motivate the user to respond to the survey. If not, the survey ends at step 76, and the user is optionally redirected to the application that the user was using, if any, prior participating in the survey. If so, the incentive/call to action is displayed at step 78 and the survey is terminated at step 80. Again, the user may be optionally redirected to the application that the user was using, if any, prior participating in the survey.

Session data is preferably gathered for each user that visits the survey, whether they personalize a user profile or not. Session data desirably includes login time, click stream, time spent on each question, and logout time. Anonymous user profiles are preferably created for each new

visit to the survey, unless the user establishes a personalized profile and logs into the survey with a password. All profiles are recorded as a unique numeric value and are used to correlate session data with unique visits. Personalized profiles can contain a variety of additional personal information including e-mail/device address, zip code, age, gender and/or other relevant information.

User responses to the survey questions are collected and recorded with the unique numeric value of the user profile (anonymous or personalized) to allow for the correlation of user session, profile, and response data. The process of collecting the data from the user is represented in FIGS. 5 and 6.

FIG. 5 illustrates the process by which the data collected from survey respondents is analyzed. The data analysis process is essential for providing value to the surveyors creating the polls in that it offers them real time top level results and detailed analysis and reporting.

Using data compression to speed analysis and delivery of results to publishing engine 14 ensures real time results. The completed user survey is transmitted to the publishing engine 14 in a user session stream 84, a user profile stream 86 and a user response stream 88. These data streams are compiled in a data staging process 90. At this point the analysis engine 22 analyzes the data in accordance with reporting requirements established by the surveyor. The analysis engine 22 may analyze the response data in accordance with any criteria chosen by the surveyor, for example, survey responses by question, totals responses, respondent session time and click stream, responses and responses by demographic, and respondents by recency, frequency and monetary (discussed below). Depending on the

device used to view published results, additional drill-down and drill-through requests are supported using common key elements in survey data analysis repositories 92 and 94, discussed below. The functions of the data staging process 88, analysis engine 22 and survey data repositories 92,94 are as follows.

Data staging process - As the data is received from the three data streams 84, 86 and 88, it is immediately consumed by the data staging process 90. The data staging process 90 cleanses, compresses, and prioritizes the data received to ensure efficient processing by the analysis engine 22.

Analysis Engine - Surveyor reporting requirements, which are established during survey creation, are applied to the data received from the data staging process 90. Recognizing the priority of each piece of data, the analysis engine 22 produces new dimensions and updates existing dimensions as required, thereby producing detail and aggregate (summary) data streams to the survey data analysis repositories 92 and 94, respectively.

Data Repositories - Survey data analysis detail and aggregate repositories 92,94 are inextricably linked through session, profile, and response data. Strong validation combined with indexing and performance tuning provides a reliable and efficient data store to be used by the publishing engine 14.

FIG. 6 illustrates the process by which the results of a survey are reported to the surveyor who requested them. The analyzed data that results from the surveys will be transmitted to the surveyor's administration area, where surveys are created. The process is similar to the publishing of created surveys to users, except the information is published to the surveyor's administration area of publishing engine 14. The process is outlined below.

The data contained in data repositories 92,94 is converted by a markup language translation layer 96 similar in content and function to markup language translation layer 52 discussed above. That is, markup language translation layer 96 wraps each element of survey response data with markup tags defined in a schema to provide a collection of data in a markup language-wrapped document. Standard and/or customized reports 98 prescribed by the surveyor may be provided to the surveyor in WAP, HTML, PalmOS, SMS, VoiceXML or other formats and style sheets suitable to the surveyor's specified interface device(s), whether presently existing or hereinafter developed. Standard reports may include one or more of the following: total number of respondents to survey, percentage of answers by question, average percentage of questions answered, average session length, average time to respond to each answer, total number of respondents who responded to call to action, and total number of call to actions served.

Each of the reports will may also be sorted by date/time, by RFM (R=Recency - how recently did the profile (user) visit; F=Frequency - how frequently has the profile visited; M=Monetary - how much in total has the profile spent with the surveyor and/or provided benefit to the surveyor), as well as by gender, gender by age group, age group, home zip code, location (cell), and device type used to respond to the survey.

Although the following generally sets forth the overall survey conducting process of the present invention as it would be conducted using an XML format, it is contemplated that the present invention may be used in conjunction with any presently known markup language formats currently known or developed in the future. More particularly, the process comprises

(a) creating a survey by writing the survey materials and placing the survey materials into a first database as survey input data;

(b) wrapping each element of survey input data with desired markup language tags (e.g., XML tags) defined in a schema to provide a collection of data in a markup language-wrapped (e.g., XML-wrapped) document;

(c) publishing the markup language (e.g., XML) wrapped document, wherein the survey input data are in the form of a collection of markup language-wrapped (e.g., XML-wrapped) data, by parsing the markup language-wrapped (e.g., XML-wrapped) data against the schema;

(d) sending the parsed, markup language-wrapped (e.g., XML-wrapped) data in output defined style sheets to a plurality of types of interface devices via suitable communications networks;

(e) receiving survey response data in a second database via suitable communications networks;

(f) analyzing the received data; and

(g) publishing the received data by wrapping the received data in a desired markup language (e.g., an XML) document.

Preferably, the markup language-wrapped data are further validated against a pre-defined schema. Additionally, the analyzed data is preferably further parsed against a second schema to enable the analyzed data to be accessed by at least one interface device type specified by a creator of the survey.

Although the invention has been described in detail for the purpose of illustration, it is to be understood that such detail is solely for that purpose and that variations can be made therein by those skilled in the art without

departing from the spirit and scope of the invention as claimed herein.

CLAIMS

What is claimed is:

1. A process for conducting an electronic survey, said process comprising the steps of:

creating an electronic survey;
sending said survey to a plurality of users having different types of electronic interface devices; and
accessing user data generated in response to said survey using at least one type of electronic interface device.

2. The process of claim 1 further comprising accessing said user data using plurality of types of electronic interface devices.

3. The process of claim 1 further comprising storing said survey on a first database and receiving said user data on a second database.

4. The process of claim 3 further comprising analyzing said user data prior to said step of accessing.

5. The process of claim 4 wherein said step of analyzing comprises analyzing said user data in accordance with criteria established by a creator of said survey.

6. A process for conducting an electronic survey, said process comprising the steps of:

(a) creating a survey by writing the survey materials and placing the survey materials into a first database as survey input data;

(b) wrapping each element of said survey input data with markup language tags defined in a schema to provide a collection of data in a markup language-wrapped document;

(c) publishing said markup language-wrapped document, wherein said survey input data are in the form of a collection of markup language-wrapped data, by parsing said markup language-wrapped data against said schema;

(d) sending the parsed, markup language-wrapped data in output defined style sheets to a plurality of types of interface devices via suitable communications networks;

(e) receiving survey response data in a second database via suitable communications networks;

(f) publishing the received data by wrapping the received data in a desired markup language document.

7. The process of claim 6 further comprising accessing said received data using at least one type of electronic interface device.

8. The process of claim 6 further comprising accessing said user data using plurality of types of electronic interface devices.

9. The process of claim 6 wherein said step of accessing is performed by a creator of said survey.

10. The process of claim 6 further comprising analyzing the received data prior to publishing the received data.

11. The process of claim 6 wherein said markup language-wrapped data are further validated against a pre-defined schema.

12. The process of claim 6 wherein said received data is further parsed against a second schema to enable the analyzed data to be accessed by at least one interface device type specified by a creator of the survey.

13. The process of claim 6 wherein said markup language is extensible markup language.

14. Apparatus for conducting an electronic survey, said apparatus comprising:

a first database for storing an electronic survey comprised of survey input data;

a publishing engine for sending said survey to a plurality of users having different types of electronic interface devices via suitable communications networks; and

a second database for receiving survey response data from said electronic interface devices via suitable communications networks, wherein said publishing engine further publishes said survey response data for access by at least one type of electronic interface device.

15. The apparatus of claim 14 further comprising means for analyzing said response data prior to publishing by said publishing engine.

16. The apparatus of claim 15 wherein said analyzing means analyzes said user data in accordance with criteria established by a creator of said survey.

17. The apparatus of claim 14 wherein, prior to sending said survey to a plurality of users, said publishing engine wraps each element of said survey input data with markup language tags defined in a schema to provide a collection of data in a markup language-wrapped document.

18. The apparatus of claim 14 wherein, prior to publishing said survey response data, said publishing engine wraps each element of said survey response data with markup language tags defined in a schema to provide a collection of data in a markup language-wrapped document.

19. The apparatus of claim 17 wherein said markup language is extensible markup language.

20. The apparatus of claim 18 wherein said markup language is extensible markup language.

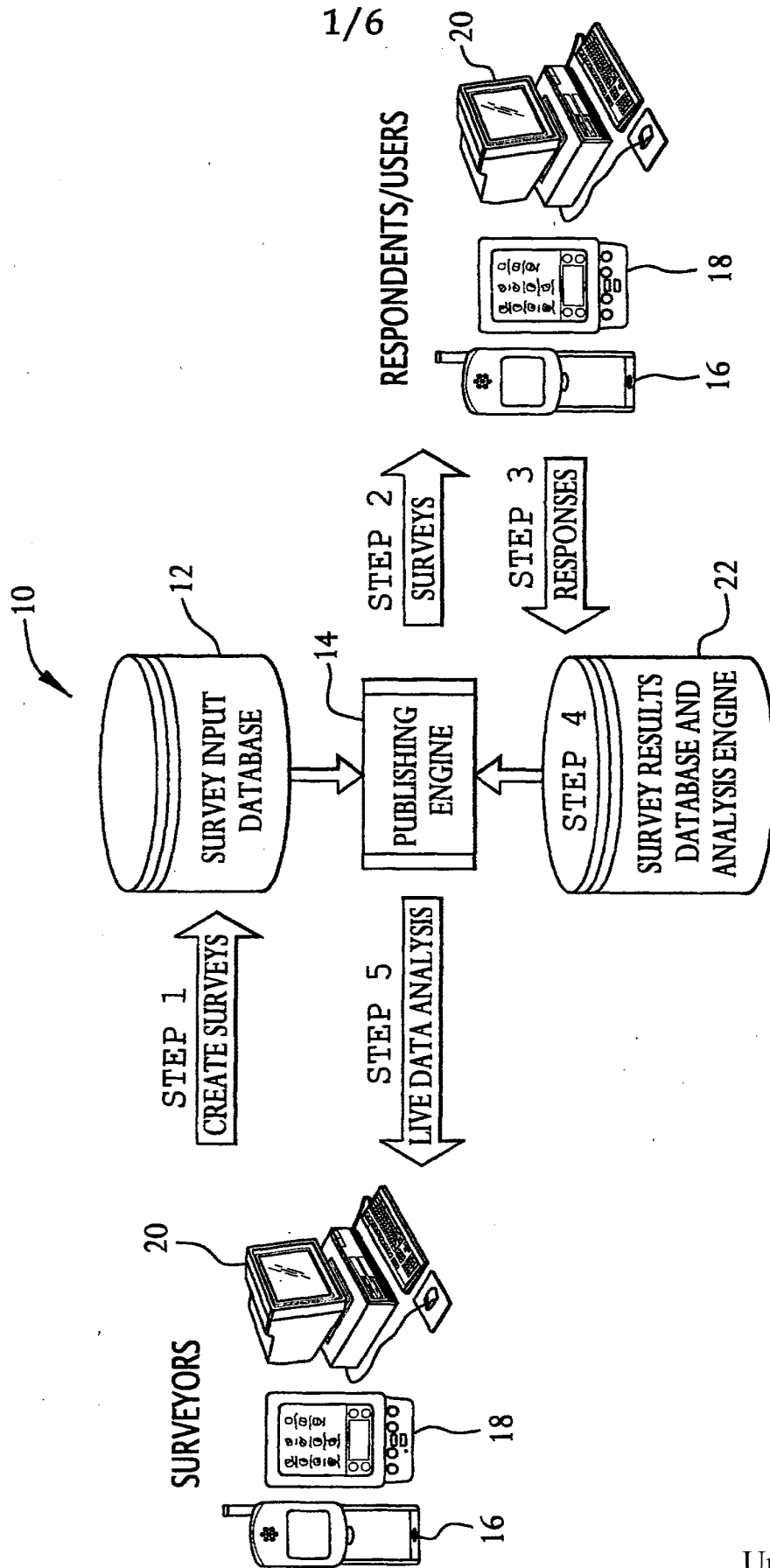
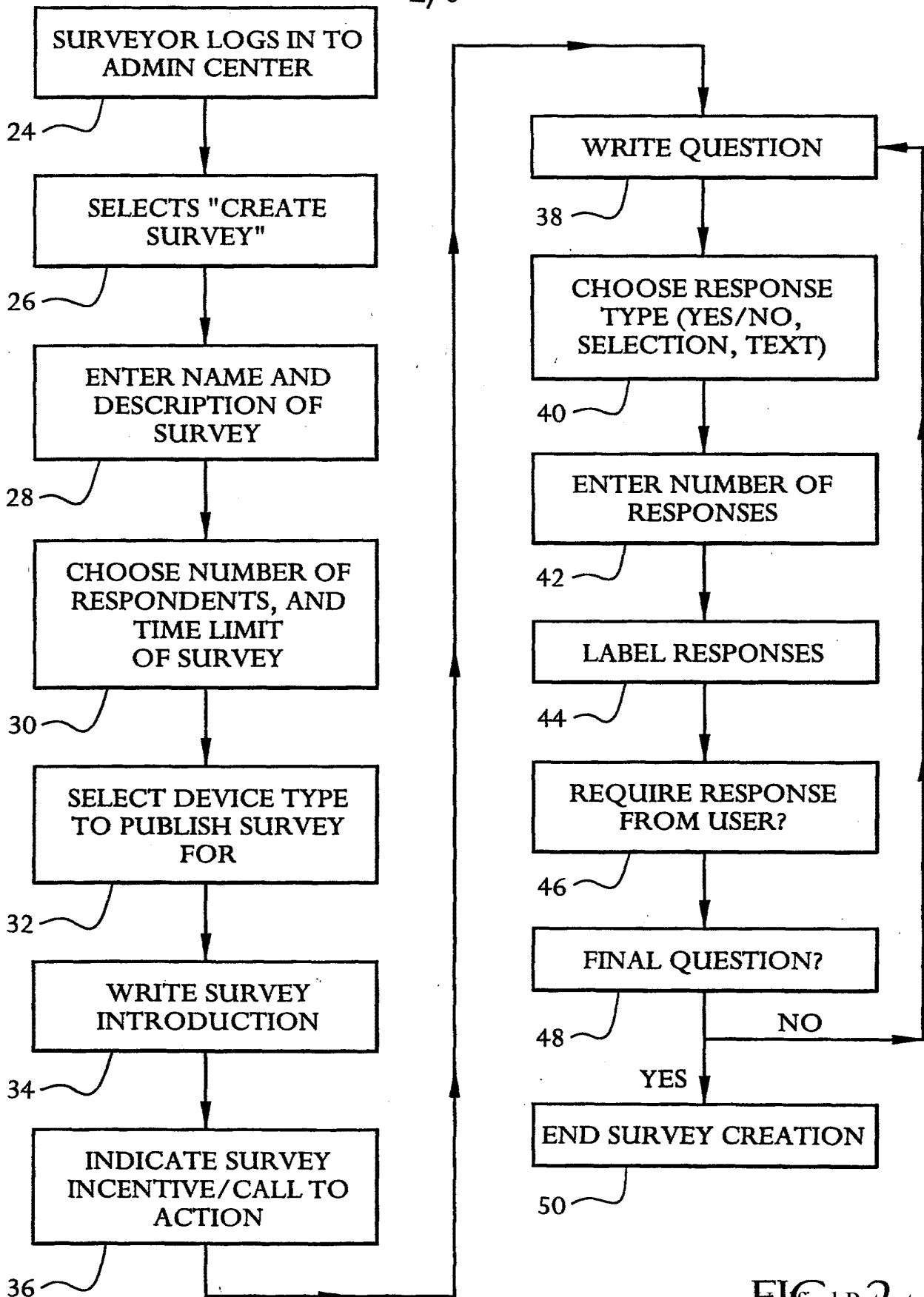


FIG. 1



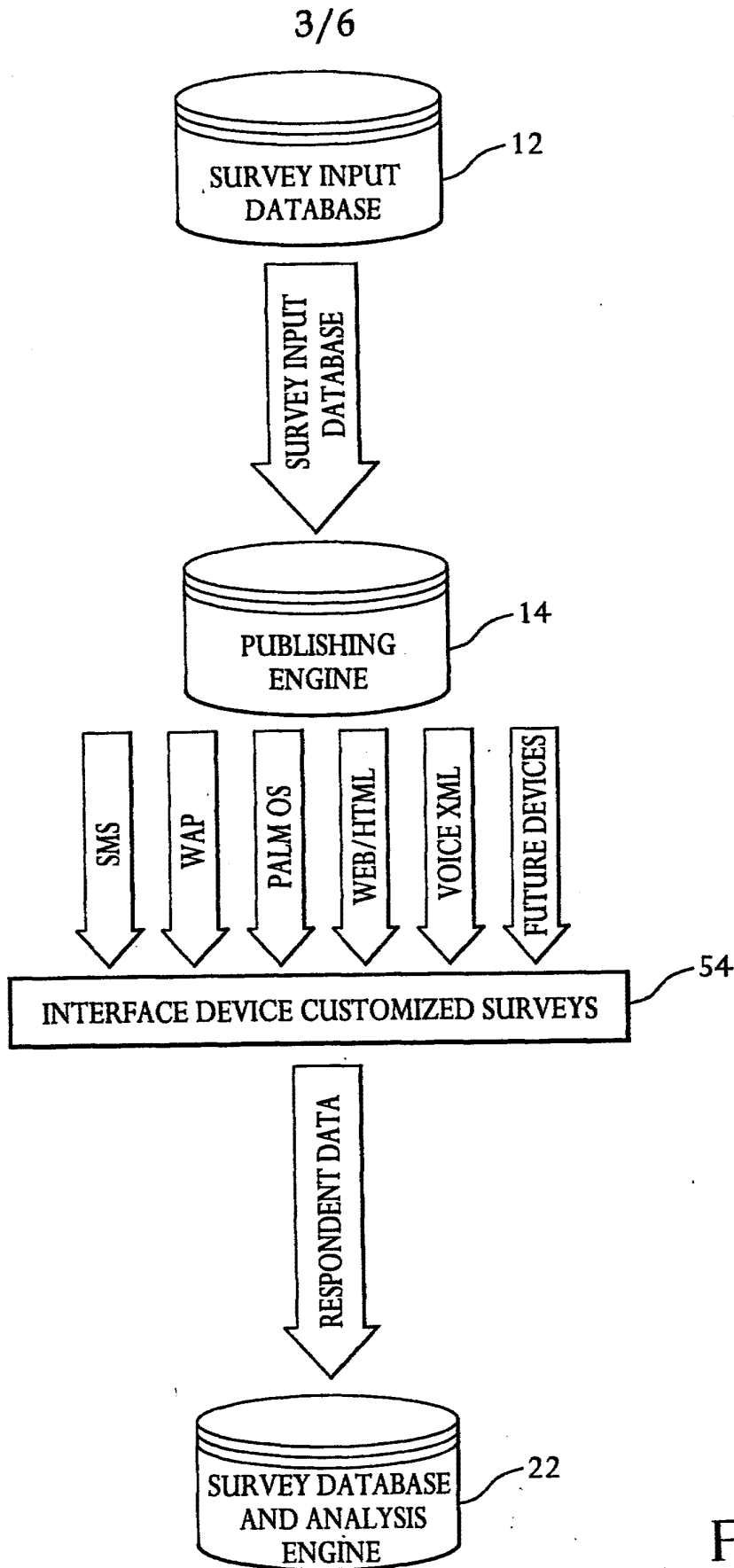


FIG. 3

Unified Patents

Exhibit 1003

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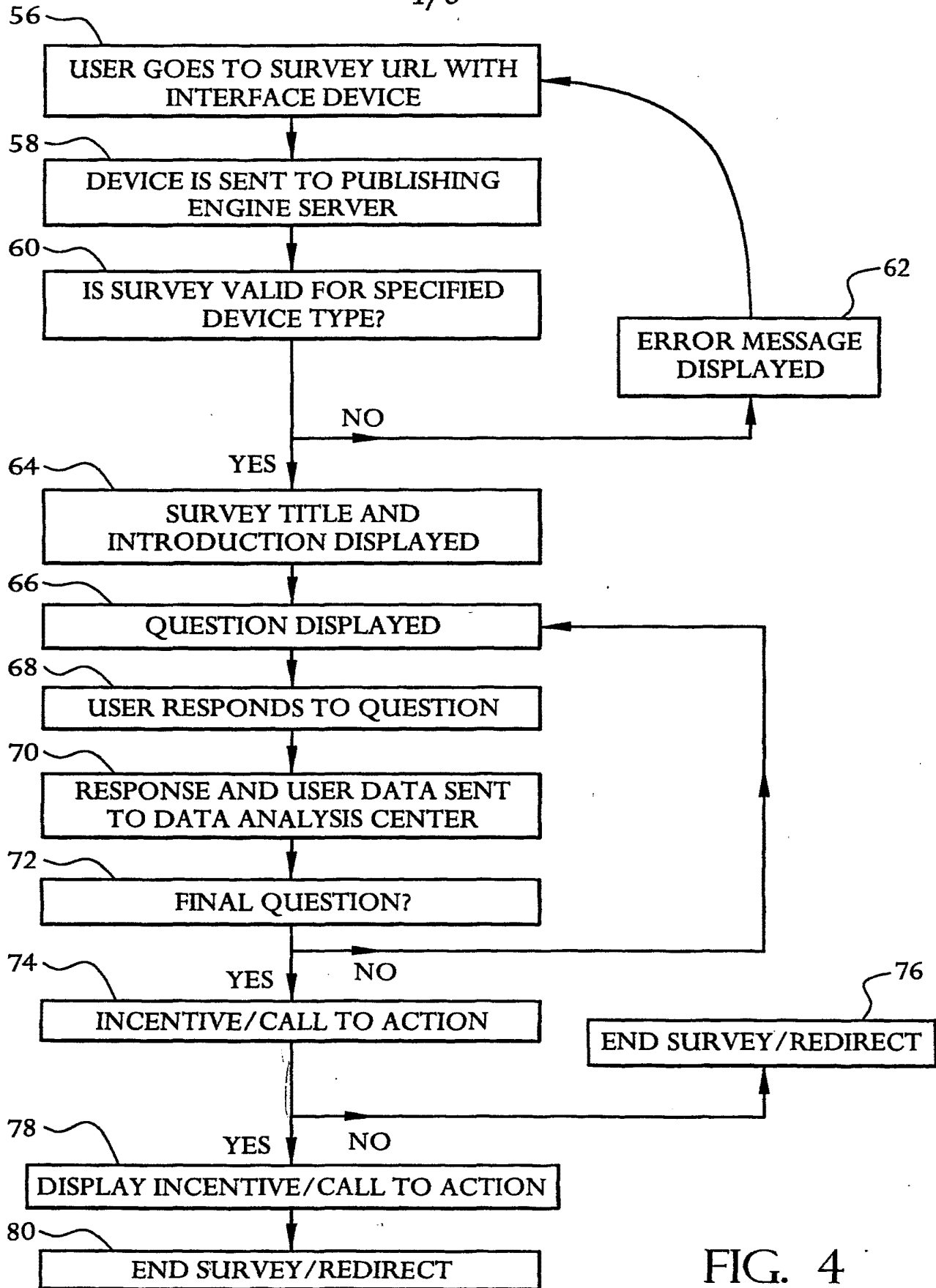


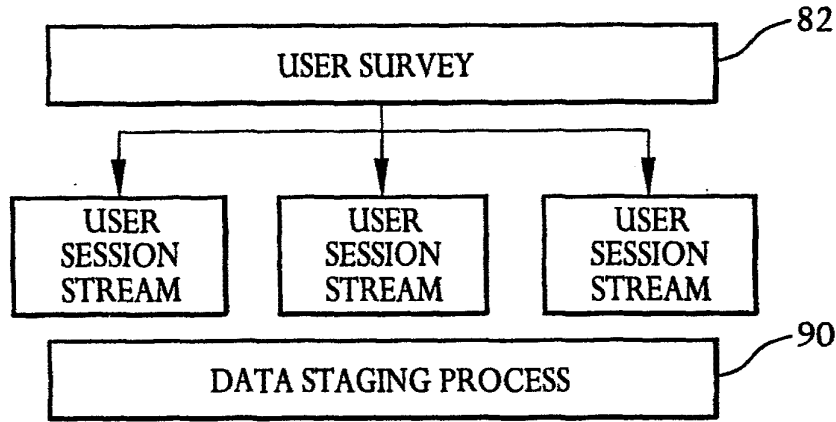
FIG. 4

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Exhibit 1003

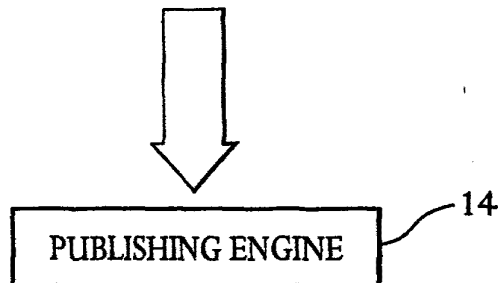
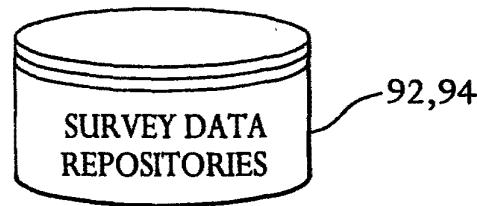
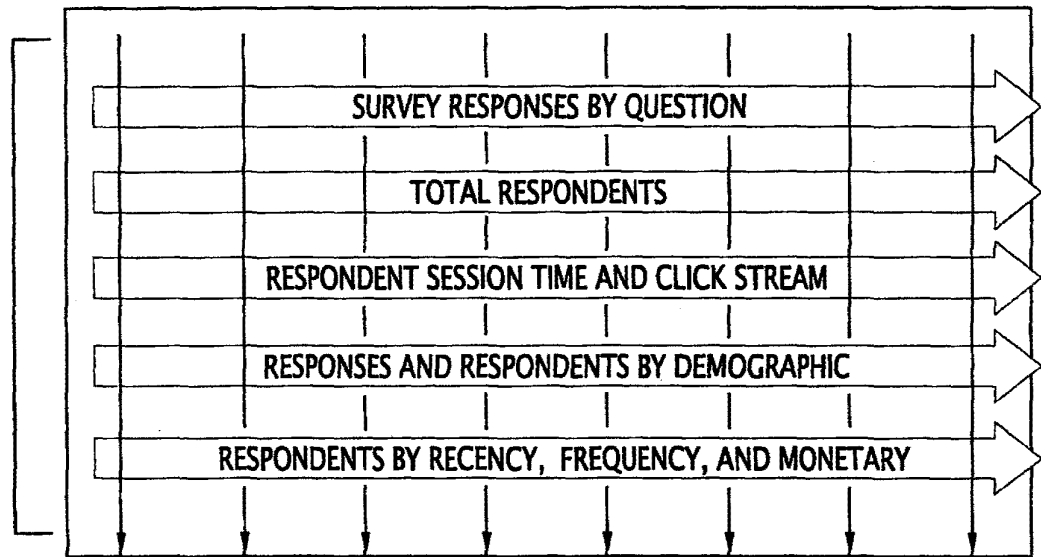
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DATA REPORTING AND ANALYSIS ENGINE

USER RESPONSES ARE ANALYZED IN REAL TIME BY VARIOUS METRICS; TOTAL RESPONDENTS, TIME, DEMOGRAPHIC DATA ETC.



6/6

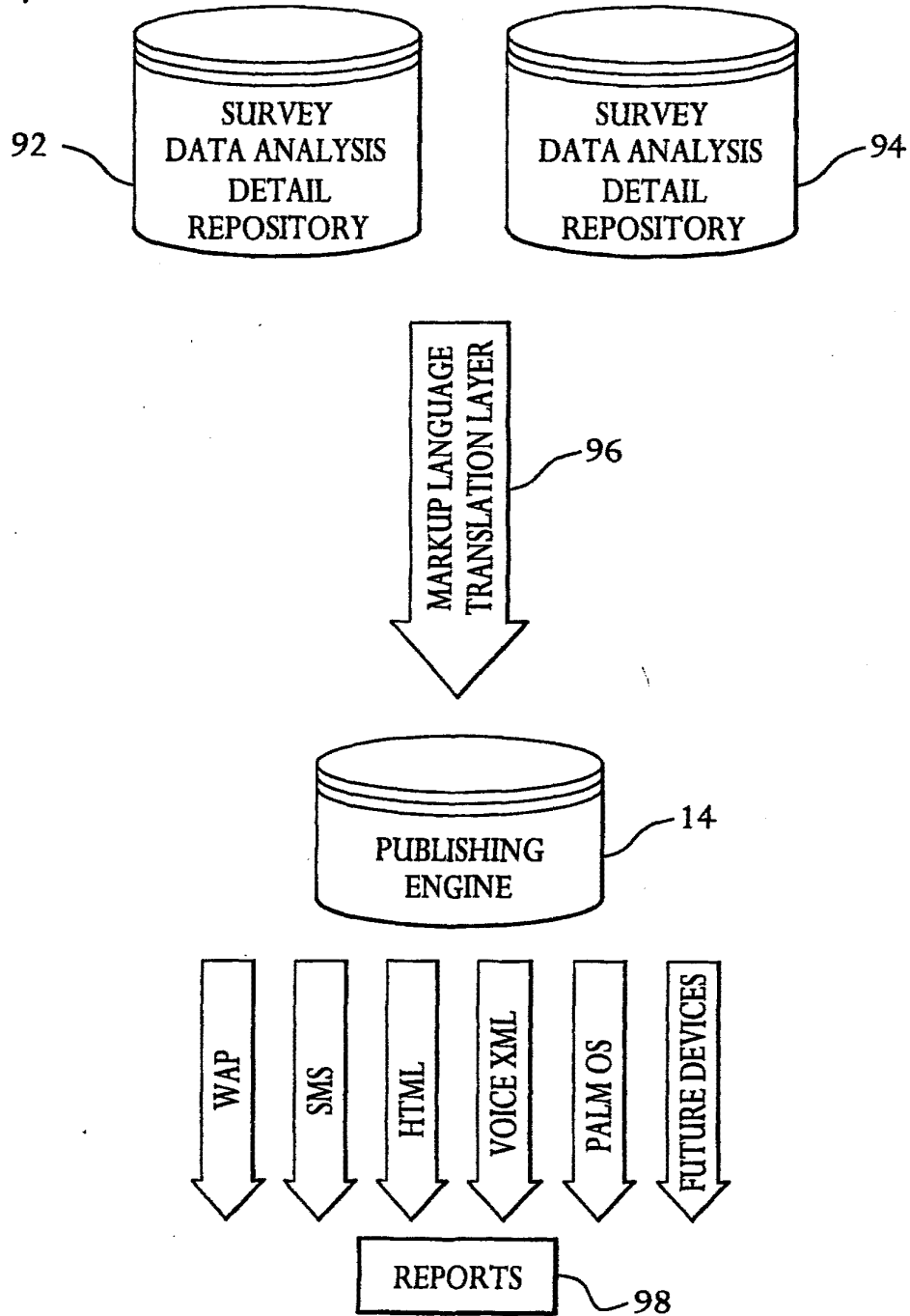


FIG. 6

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US01/13715

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : G06F 17/60
US CL : 705/10

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
U.S. : 705/10

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
EAST (US Patent Database), DIALOG

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5,842,195 A (PETERS et al) 24 November 1998 (11.24.1998), Figure 13; column 2, line 65 - column 6, line 59.	1-20
X	US 6,032,177 A (O'DONNELL) 29 February 2000 (29.02.2000), Figure 4; column 4, line 7 - column 6, line 25.	1-20
X,P	US 6,189,029 B1 (FUERST) 13 February 2001 (13.02.2001), Figures 1, 7, 16; column 2, line 19 - column 3, line 41.	1-20

Further documents are listed in the continuation of Box C.

See patent family annex.

* Special categories of cited documents:	"T"	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"A" document defining the general state of the art which is not considered to be of particular relevance	"X"	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"E" earlier application or patent published on or after the international filing date	"Y"	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"&"	document member of the same patent family
"O" document referring to an oral disclosure, use, exhibition or other means		
"P" document published prior to the international filing date but later than the priority date claimed		

Date of the actual completion of the international search 23 August 2001 (23.08.2001)	Date of mailing of the international search report 13 SEP 2001
Name and mailing address of the ISA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703)305-3230	Authorized officer Tariq Hafiz <i>James R. Matthews</i> Telephone No. (703)305-3900

Form PCT/ISA/210 (second sheet) (July 1998)

Electronic Acknowledgement Receipt

EFS ID:	2786523
Application Number:	10643516
International Application Number:	
Confirmation Number:	4504
Title of Invention:	System and method for data management
First Named Inventor/Applicant Name:	J. David Payne
Customer Number:	22206
Filer:	Scott R. Zingerman/Carol Welch
Filer Authorized By:	Scott R. Zingerman
Attorney Docket Number:	57442/03-533
Receipt Date:	30-JAN-2008
Filing Date:	19-AUG-2003
Time Stamp:	10:39:34
Application Type:	Utility under 35 USC 111(a)

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File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement Letter	SupplementalIDSFiled1-30-2008.pdf	88574 <small>798adf3cbf48524c81172b1485148210b b7e446a</small>	no	2

Warnings:

Unified Patents

Information:

Exhibit 1003

2	Information Disclosure Statement (IDS) Filed	SupplementalForm1449.pdf	234424 8a70bd72945085dd3167a0act859a7d3d2d1b3c4	no	2
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
3	Information Disclosure Statement Letter	StatementUnder37CFR197e.pdf	62190 1cb71da6da7e32fc775a3c8995c11863a797bf96	no	1
Warnings:					
Information:					
4	NPL Documents	AnonymourWAPBinaryXML ContentFormat.pdf	416609 c4c0ded999b37d7ffc4e9a4b9a878294753625bfa	no	14
Warnings:					
Information:					
5	NPL Documents	Giradot.pdf	209737 0a0936e427ce97e00ab76257cc76dfd1f2ad8109	no	4
Warnings:					
Information:					
6	NPL Documents	PETSASWapBasedPersonalisedHealthCare.pdf	329963 a3e728a04356e8618f30b9086851d9b2689e3f8b	no	4
Warnings:					
Information:					
7	Foreign Reference	WO184433MoblissInc.pdf	666726 6dccc708e6426dc2eb5b89e0c772cddf69164992	no	30
Warnings:					
Information:					
Total Files Size (in bytes):				2008223	

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New Applications Under 35 U.S.C. 111

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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

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Exhibit "B" to accompany Amendment filed April 30, 2008.

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Bama Companies, Inc. Field Service Survey Application

Technical Design

Version 1.3
August 30, 2001

Document: BAMA Technical Design.doc

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Application No. 10/643,516
Applicant: J. David Payne
Tc/A.U.: 2151
Examiner: TRAN, NGHI V.
Docket No. 57442/03-533



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Part

1**Project Overview****EXECUTIVE SUMMARY**

Based upon the further discussions between representatives from the Bama Companies, Inc. (BAMA) and MacroSolve, Inc. along with the database design provided by Brian Davis of BAMA, MacroSolve has defined and prepared the following technical design based upon meetings on August 8th, 2001 and on August 27th, 2001, the application survey, and previously released handheld application prototype.

This proposed solution would be an invaluable tool in expediting data flow as well as communication between BAMA and their Field Service Agents. The infrastructure of this solution will allow for simplistic introduction of new mobile enterprise solutions as they arise. In addition, it will include a high-level of software flexibility that will allow for simple questionnaire design and deployment to many Field Service Agents, with centralized system management. This flexibility combined with expedited data flow will enable vendors to better assure the quality of the products being served nation-wide.

Using this model as a foundation, BAMA will quickly be able to collect and retrieve data relevant to their products. This model will also allow for rapid system expansion into other arenas, and could provide for a future revenue stream for BAMA. In addition, by laying this foundation, BAMA will quickly and cheaply be able to respond to other mobile data collection needs as they arise in the future.

PROJECT TEAM

Mike Payne	MacroSolve	Project Manager	mike@macrosolve.com	918.280.8693
Jeremy Ferguson	MacroSolve	Lead Developer	jeremy@macrosolve.com	918.280.8693
Brian Davis	BAMA		bdavis@bama.com	918.732.2010
Parks Pendergraft	BAMA		ppenderg@bama.com	918.732.2123
Mike Slimak	BAMA		mslimak@bama.com	

MISSION VISION

To design, develop, and deploy a cost-effective handheld-based application that will provide a user-friendly interface for effectively designing surveys or questionnaires and then collecting the corresponding data. All the while including great flexibility for future enhancements.

TECHNICAL DESIGN APPROVAL

The MacroSolve Technical Design for BAMA Field Service system is accepted in full.

Client

Approved by BAMA: _____ Date: _____

MacroSolve
Project Manager: _____ Date: _____

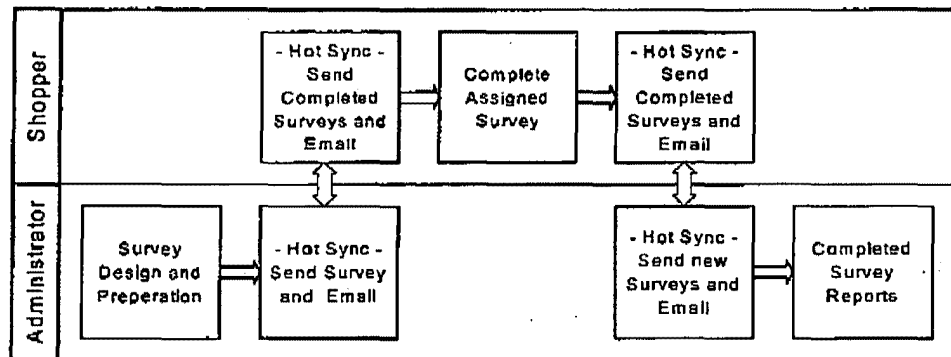
Lead Developer: _____ Date: _____

Part 2

Application Overview

WORKFLOW

The figure below shows the two distinct areas of the *Field Service Survey Application*. The "Shopper" part of the workflow illustrates processes that will reside on the handheld and be designed by MacroSolve. The lower "Administrator" section illustrates processes that will take place on PCs or servers. These processes will be designed via the combined efforts of MacroSolve and BAMA.



QUESTION TYPES

Text – Answers based upon words or phrases

- Prompt Example: Describe the location of the filling.
- Palm OS object used: Field

Scale – Answers are based upon a specified range of numbers

- Prompt Example: Rate the color of the pie from 1 to 7:
- Palm OS object used: Spinner

Numeric – Only a number is accepted as a correct answer

- Prompt Example: Temperature of the pie?
- Palm OS object used: Field

Multiple Choices – Several answers are given of which one must be chosen.

- Prompt Example: Select the crust color:
- Palm OS object used: Pull Down List

Date – Date will be accessed from the handheld unit. User will have the option to change it.

- Prompt Example: Date of visit? 8/16/2001.
- Palm OS object used: Field

Yes/No – Question in which only "Yes" or "No" are appropriate answers.

- Prompt Example: Was the 2 for 1 special going on?
- Palm OS object used: Checkboxes or Buttons

Rich Text – This *Lotus Notes* defined question will need to be further examined before including it in the *Field Service Survey Application* and should be seen as a future add-on.

ELECTRONIC MESSAGING SYSTEM

The *Electronic Messaging System* provides a communication link between the handheld user and the system administrator. It will be an imperative component so that the Survey Administrator may give out assignments to shoppers as well as passing on any other important messages. It has been decided that the Palm OS Mail version 3.0 that comes with each Handspring Visor Deluxe will be the mail system used in the *Field Service Application*. The user will have to exit out of the *Field Service Application* in order to access the Palm OS Mail system and then reenter the *Field Service Application* to continue the survey process. Application details of the Palm OS Mail system can be presented at a later date if needed.

Part

3

Survey Design & Preparation Process

NARRATIVE

The design and processes that follow are at the discretion of BAMA. The MacroSolve imperative components include how the data looks and where it is located. This is further defined in *Section 8: PC Storage Specifications*.

FLOW CHART

Task Allocation: BAMA

Please provide a process flow and any other necessary information that describes the Survey Design & Preparation Process.

SCREEN IMAGES

Task Allocation: BAMA

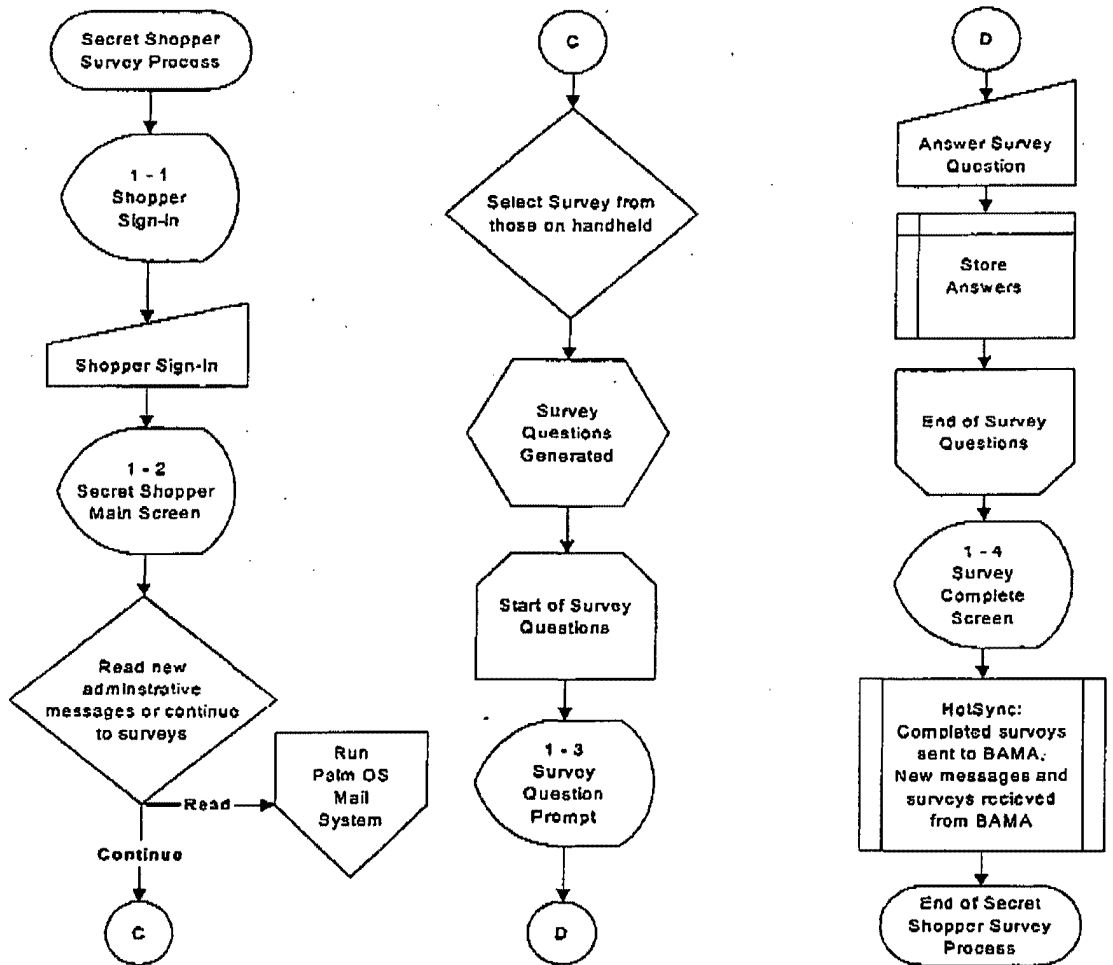
Please provide screen images and any other necessary information that describes the Survey Design & Preparation Process.

Part 4 Field Service Survey Process

NARRATIVE

The following process depicts the handheld relevant processes involved in the *Field Service Application*. This process allows the Shopper to complete surveys and allows a method by which to start the Palm OS Mail System. Also depicted are several of the screens involved in the illustrating and collecting the data. Technical details of how this data is collected along with more complete listing of the data to be collected can be found in the diagrams and tables below.

FLOW CHARTS



SCREEN DETAILS

Bama Secret Shopper Sign-in
v0.11

BAMA

Secret Shopper Application

Sign-in: _____

Flow		1 - 1	
Screen Name		Sign-in	
Object Name	Object Type	Object Purpose	Table.Field
Sign-in	Field	Input Shopper Identification	answer.shopper_id
Go	Button	Go to Main Screen	N/A

Shopper Main

Available Surveys:

- McDonald's Apple Pie
- McDonald's Biscuit

Flow		1 - 2	
Screen Name		Main	
Object Name	Object Type	Object Purpose	Table.Field
Messages	Button	Go to Messages Screen	N/A
New	Field	Display only when new messages	N/A
Surveys	List	Display surveys present on handheld	Σ(question)

Secret Shopper Questionnaire

Shopper: _____
Store: _____
Product: _____

PIE QUESTIONNAIRE

Was the two for \$1.00 pie promotion going on?

Flow		1 - 3	
Screen Name		Question	
Object Name	Object Type	Object Purpose	Table.Field
Shopper	Field	Display Shopper ID	answer.shopper_id
Store	Field	Display Store Name and Number	answer.company_name + answer.store_num
Product	Field	Display product	answer.product_name
Question	Field	Display question	question.question_text
Answer	Various	Survey Answer to Store	answer.survey_answer

Pie Questionnaire Complete

Store: _____
Date: _____ Time: _____
Product: _____

Questionnaire results will be submitted to BAMA the next time you Hot-Sync.

THANK-YOU!

Flow		1 - 4	
Screen Name		Finish	
Object Name	Object Type	Object Purpose	Table.Field
Store	Field	Display Store Name and Number	answer.company_name
Date	Field	Display Date product test completed	answer.date
Time	Field	Display time product test completed	answer.time
Product	Field	Display product	answer.product_name

Part 5

Conduits Processes

CONDUIT OVERVIEW

A conduit is a software plug-in for the *HotSync Server* that enables the exchange of information between Palm OS devices and corporate data stores. Conduits do not routinely require user interaction with the data and are run upon initiation of a *HotSync*. Once implemented, conduits will allow data to flow freely and easily between handheld units and the desired data stores, while not requiring any difficult data conversion by technical or administrative personnel.

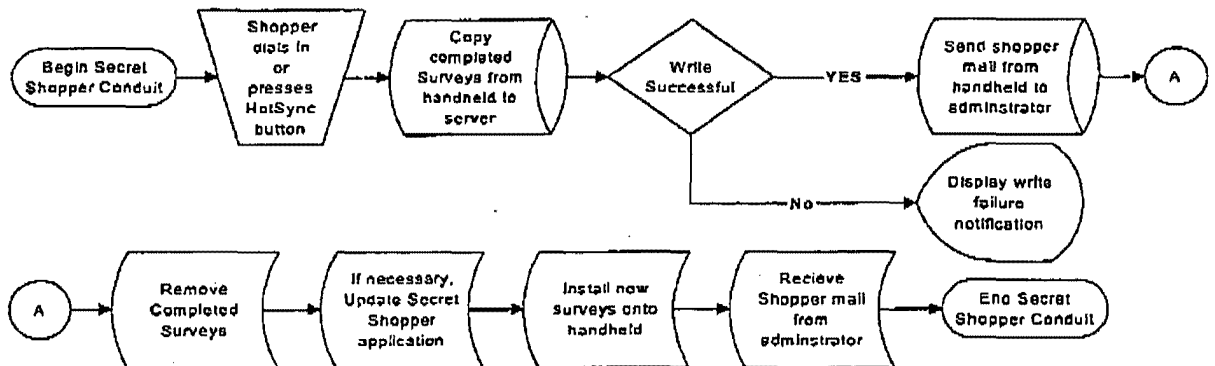
Currently, two conduits have been identified as necessary for this solution. The first, a pre-packaged conduit, included with *HotSync Server*, which allows Palm OS devices to share information with *Lotus Notes Server*. This conduit will be used to transfer messages between the handheld and the Survey Administrator client PC. The second is a custom-built conduit necessary for information exchange between the *Field Service Survey Application* and BAMA corporate survey databases. Since the conduit for the *Lotus Notes Server* comes standard with *HotSync Server*, it will not be elaborated upon here. A detailed process flow of *Lotus Notes Server* conduits may be produced, upon request, at a later date.

CUSTOM CONDUIT NARRATIVE

The MacroSolve designed conduit will take a *Lotus Domino* database and extract the necessary data components in order to create a Palm Database capable of then producing the surveys. It will also provide a method by which information will flow from the handheld unit through the *HotSync Server* to *Lotus Notes*. Below is the basic conduit process flow for information exchange between the handheld unit and the *HotSync Server*.

During the design and early testing phases of this project the conduit will be setup to interact with a Microsoft SQL 7 Server database. As the project nears completion and in the final testing and implementation phases the conduit will be setup to interact with the BAMA survey databases using the *Lotus NotesSQL 3.0* as discussed on August 27th, 2001.

FLOW CHART



Part
6**HotSync Server****HOTSYNC SERVER OVERVIEW**

HotSync Server enables the transfer of data between the handheld and the server. Combining *HotSync Server* with the proper conduits, will allow a shopper to easily transfer information, i.e. completed surveys and messages, from the handheld into the corporate network where the MacroSolve designed conduit and the *Lotus Notes* conduit will reformat the data so that it can be interrupted by the *Lotus Notes* system. *HotSync Server* will allow the *Field Service Survey Application* to be updated with out requiring the shopper to do anything other than HotSync the unit. *HotSync Server* will also provide for easy backup and restoration of handheld data should they be necessary.

HotSyncing can be accomplished in several ways.

1. *Modem HotSync* - The preferred method for the *Field Service Survey Application* is a HotSync connection via a Handspring Springboard Modem. After inserting the modem module into the Handspring Visor and then connecting the modem to a typical phone jack, the shopper must then initiate the modem HotSync by starting the Palm OS standard HotSync application on the handheld, and selecting a properly setup modem connection that will connect the shopper to the BAMA corporate network through a RAS (*Remote Access Server*).
2. *Desktop HotSync* - Pressing the HotSync button on the handheld cradle will initiate a direct cable connection to a desktop PC. This connection only works assuming that the cradle is connected to a PC that then has a network connection to the BAMA corporate network or that the PC has a modem that can dial out and connect to a server that resides on the BAMA corporate network.
3. *Infrared HotSync* - Since the *Handspring Visor Deluxe* has an Infrared port, it can synchronize with a desktop computer equipped with an infrared (IR) port that supports the IrCOMM implementation of the Infrared Data Association (IrDA) standard. The user would set up the HotSync Manager to use the desktop's IR port and selects the IR option in the HotSync client on the handheld.

When a HotSync is initiated several functions are carried out. First, a list of creator IDs on the handheld is compared to a list of conduits registered to the various creator IDs. When corresponding IDs are found, the conduit for that ID is executed and information is exchanged. In the case of the *Field Service Survey Application*, the MacroSolve designed conduit will first check for new surveys or new versions of surveys to upload to the handheld. When a newer version of a survey is placed on the handheld, the old version is removed. In order to retire a survey or take it out of circulation and "00" will be used as the version number. This "00" will tell the conduit to remove the existing handheld survey, but not to upload a different version of the survey.

Once the surveys have been uploaded, updated, or removed, any answer databases located on the handheld are removed from the handheld and placed into BAMA corporate survey answer database. Once these *Field Service Survey Application Conduit* sequences are complete, HotSync will continue through its list of conduits until all have been completed. Using the HotSync technology it is possible to control how information is exchanged between the BAMA corporate network and each shopper's handheld.

HOTSYNC SERVER INSTALLATION

Installation and setup of the server software will require the following procedures:

1. Install Palm *HotSync Server* software
2. Install *Lotus Notes* conduit
3. Set up Shopper profiles
4. Test Palm *HotSync Server* software *Lotus Notes* conduit
5. Distribute Palm OS User Setup Program and Palm *HotSync Server* connection information
6. Run the Palm OS User Setup Program for each Shopper
 - a. The Palm OS User Setup Program installs the Palm OS client and desktop proxy agent and allows entry of the Palm *HotSync Server* connection information. This will be an optional function depending upon whether or not desktop connectivity from Shopper to BAMA is desired. The User Setup Program can be distributed via the corporate intranet or via enterprise system management tools that proactively distribute software to the desktop. Each Palm handheld user will run the User Setup Program followed by the familiar desktop synchronization process to install the Palm OS client on the handheld.
7. Install the Palm OS client on each Shopper's handheld

Part

7**Handheld Storage Specifications****NARRATIVE**

This section describes the basic design of the database tables, relationships between the tables, and detailed definitions of the table fields, as they will appear on the handheld unit. Both the Question and Answer tables for each survey will reside separately in its own file while on the handheld. Each file will be named using the following naming conventions discussed below.

QUESTION TABLE DESIGN

Database Name: "Survey Name" + "Survey Version".pdb
Database Type: SURV
Database Creator: BAMA
Database Purpose: Stores the Survey Question Information on the Handheld

R	Field #1	Field #2	Field #3	Field #4	Field #5	Field #6	Field #7+
0	Company Name	Product Name	Survey Version	N/A	N/A	N/A	N/A
1	Q Num	Q Type	L Num	Q Text	Default A	Instructions	L Value
2	Q Num	Q Type	L Num	Q Text	Default A	Instructions	L Value
3	Q Num	Q Type	L Num	Q Text	Default A	Instructions	L Value
...

ANSWER TABLE DESIGN

Database Name: "Survey Name" + "Survey Version" + "Store Number".pdb
Database Type: ANSR
Database Creator: BAMA
Database Purpose: Stores the Survey Answers on the Handheld

R	Field #1	Field #2	Field #3	Field #4	Field #5	Field #6	Field #7
0	Company	Product Name	Survey Version	Shopper ID	Store Num	Date	Time
1	Q Num	Survey Answer	N/A	N/A	N/A	N/A	N/A
2	Q Num	Survey Answer	N/A	N/A	N/A	N/A	N/A
3	Q Num	Survey Answer	N/A	N/A	N/A	N/A	N/A
...

TABLE RELATIONSHIPS

The relationship between the Question and Answer Database tables is based upon:

- o Survey Name
- o Survey Version
- o Question Number

QUESTION FIELDS DEFINED

Name	Type	Length	Purpose
Company Name	String	25	Name of the company where the survey is being taken
Product Name	String	25	Name of the product being surveyed
Survey Version	Integer	5	Version number of the survey
Question Number	Integer	5	Number of the question in the survey
Question Type	String	25	Type of question in the survey (see <i>Part 2: Question Types</i>)
List Number	Integer	5	If the question type is "Multiple Choice" this will be the number of possible values
Question Text	String	150	Actual text of the question
Default Answer	String	25	Default answer for the question
Instructions	String	150	Any instructions that are needed
List Value	String	25	A possible "Multiple Choice" answer, a new field will be appended to the database for each multiple choice answer

ANSWER FIELDS DEFINED

Name	Type	Length	Purpose
Company Name	String	25	Name of the company where the survey is being taken
Product Name	String	25	Name of the product being surveyed
Survey Version	Integer	5	Version number of the survey
Shopper ID	String	10	Unique ID of shopper
Store Number	Integer	10	Unique store ID number
Survey Date	Integer	8	Date survey completed
Survey Time	Integer	8	Time survey completed
Question Number	Integer	5	Number of the question in the survey
Survey Answer	String	150	Answer to the survey question

Part

8**PC Storage Specifications****NARRATIVE**

This section describes the detailed definitions of the table fields, as they will appear on the Survey Administrator Client or on the main server. The database files will be flat and un-normalized. The conduit (See Section 5: Conduit Processes) will take the data in a given table and set it up in the Palm OS format. In a similar fashion the conduit will take the *Answer Palm Database*, and set it up so that it can be placed into the BAMA corporate survey databases. As of the MacroSolve – Brian Davis meeting on August 27, 2001, it was decided that two large tables would house the Question and Answer tables' separately.

During the aforementioned meeting, Mr. Davis stated that he wanted to combine the "Company_Name" and "Product_Name" fields into on field called "Survey_Name". This was done but during the revision and review processes of this document, it was decided that for future enhancements and to enable the ability to access each piece of data separately (i.e. if only the "Product_Name" was needed and not the entire "Survey_Name") that the two fields should remain separated from one another. If requested by BAMA, it is possible for the conduit to combine the "Company_Name" and "Product_Name" fields into one field named "Survey_Name" when the Answer table is transferred from the handheld into the BAMA corporate survey databases.

QUESTION FIELDS SPECIFIED

Name	Type	Length	Purpose
Company Name	String	25	Name of the company where the survey is being taken
Product Name	String	25	Name of the product being surveyed
Survey Version	Integer	5	Version number of the survey
Question Number	Integer	5	Number of the question in the survey
Question Type	String	25	Type of question in the survey (see Part 2: Question Types)
List_Number	Integer	5	If the question type is "Multiple Choice" this will be the number of possible values
Question Text	String	150	Actual text of the question
Default Answer	String	25	Default answer for the question
Instructions	String	150	Any instructions that are needed
List_Value	String	25	A possible "Multiple Choice" answer, a new field will be appended to the database for each multiple choice answer

ANSWER FIELDS SPECIFIED

Name	Type	Length	Purpose
Company Name	String	25	Name of the company where the survey is being taken
Product Name	String	25	Name of the product being surveyed
Survey Version	Integer	5	Version number of the survey
Shopper ID	String	10	Unique ID of shopper
Store Number	Integer	10	Unique store ID number
Survey Date	Integer	8	Date survey completed
Survey Time	Integer	8	Time survey completed
Question Number	Integer	5	Number of the question in the survey
Survey Answer	String	150	Answer to the survey question

Part

9**Future Components****SCHEDULING**

The Scheduling component mentioned in the *Application Survey* was removed for the *Technical Document's* scope of *Field Service Survey Project*. Adding the Scheduling component back into future versions could enable the Survey Administrator to send a message to a specified user that would appear as appointment in the Schedule component rather than just a message in the Palm OS Mail System as has been set up in this document.

PROFILES

A Profile component was mentioned in the *Application Survey*. Based upon a Shopper's unique identification number, the Profile component would allow the individual user to easily update personal information (i.e. address, phone, etc.) without having to call in or compose a full-length message to the Survey Administrator.

HARDWARE

Selecting the Handspring Visor Deluxe allows a great deal of flexibility in software and hardware. As mention in the scope meeting between MacroSolve and BAMA on August 8, 2001, the Visor's Springboard port allows for the addition of many different but useful pieces of hardware.

Those hardware modules that have been discussed are:

- Cameras
- Temperature Probes
- Wireless Connectivity Modules

Part 10 Investment Summary

SOFTWARE AND SERVICES

Part Number	Description	Investment
MS-APPDEV	Application Development per approved BAMA Technical Design – 1-3	\$ 16,500.00
MS-ASDISC	Application Survey Discount	- \$ 1,500.00
TOTAL SOFTWARE AND SERVICES		\$ 15,000.00

Terms:

- Quote expires: 30 Days from receipt
- Travel and allowance: Billed as actual per occurrence
- Payment: 50% Start/50% Delivery
- Order Cancellation: Orders cancelled after PO has been issued are subject to 15% surcharge + applicable manufacturers restock fee.
- Hardware Warranty: Manufacturers warranty pass through
- Shipping: Billed as actual per occurrence to client
- This quotation should be considered proprietary and confidential

HARDWARE AND INFRASTRUCTURE

Proposed Handheld Unit: Handspring Visor™ Deluxe

The Handspring Visor™ Deluxe is the handheld computer that will best fit the Field Service Application requirements. It features an expandability port that will allow for easy addition of a modem or camera. Each Visor™ Deluxe features 8MB of internal memory, uses two AAA batteries and includes *Field Service Application* required HotSync USB cradle, Stylus, Palm Desktop software, and Leather slip-case.
Suggested Retail Price: \$199/unit

Proposed Handheld Modem: 56K Thinmodem-Plus

The 56K Thinmodem-Plus provides a fast 56k/v.90 wireline modem while not requiring an additional battery unit or consuming additional battery power from the Visor™ Deluxe's internal power supply. This will mean longer Visor™ Deluxe battery life when compared to certain modems and will not add any substantial weight or size to the Visor™ Deluxe unit. It also provides 8MB of Flash Memory in the same card unit, which will be necessary if a nonvolatile data backup solution is also desired. This solution would add a greater level of fault tolerance and data reliability for the proposed handheld units.
Suggested Retail Price: \$149.95/unit

Proposed HotSync Server: Palm HotSync Server

HotSync is the foundation server technology that powers an extended information infrastructure - enabling connection and management of handheld devices being used in the field by Field Service Agents. HotSync works in both wired and wireless environments in batch and real-time modes to connect and manage handheld devices and applications.

User Licenses	Cost
5	\$2,111
50	\$11,872
250	\$24,426
500	\$30,339

Part
11 Schedule

Project Schedule will be provide upon approval of Technical Design.

Part 12

Glossary

A	Abbreviation for "Answer(s)"
Button	Buttons display a text label in a box. The default style for a button is a text string centered within a rounded rectangle. Buttons have rounded corners unless a rectangular frame is specified. A button without a frame inverts a rounded rectangular region when pressed. When the user taps a button with the pen, the button highlights until the user releases the pen or drags it outside the bounds of the button.
Checkbox	Check boxes display a setting, either on (checked) or off (unchecked). Touching a check box with the pen toggles the setting. The check box appears as a square, which contains a check mark if the check box's setting is on. A check box can have a text label attached to it; selecting the label also toggles the check box. Push buttons and check boxes can be arranged into exclusive groups; one and only one control in a group can be on at a time.
Creator, Database	This is a field stored in the Palm OS database header that is 4 bytes in size. The system uses this field to distinguish application databases from data databases and to associate data databases with the appropriate application.
Field	A field object displays one or more lines of text.
L	Abbreviation for "List(s)"
List	The list object appears as a vertical list of choices in a box. The current selection of the list is inverted.
Pull Down List	A pull down list is a combination of a Palm OS selector trigger and a Palm OS list.
Q	Abbreviation for "Question(s)"
R	Abbreviation for "Record(s)"
S	Abbreviation for "Survey(s)"
Selector Trigger	A selector trigger displays a text label surrounded by a gray rectangular frame. If the text label changes, the width of the control expands or contracts to the width of the new label.
Spinner	A MacroSolve designed object that is the summation of a Palm OS field and two Palm OS buttons. Essentially with each press of the button the corresponding field is either incremented or decremented.
Type, Database	This is a field stored in the Palm OS database header that is 4 bytes in size. The system uses this field to distinguish application databases from data databases and to associate data databases with the appropriate application.

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 #285047 v1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/643,516
Applicant: J. David Payne
Filed: 08/19/2003
TC/A.U.: 2151
Examiner: TRAN, NGHI V

Confirmation No.: 4504

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AMENDMENT

Dear Sir:

Introductory Comments

This paper is submitted in response to the Office action mailed August 10, 2006. A Petition and Fee for Extension of Time for three (3) months is filed herewith. If any additional fee is required by virtue of the filing of this paper, please also consider this a general authorization to charge Deposit Account No. 06-0540 for the same.

CERTIFICATION UNDER 37 C.F.R. § 1.8(a)

I hereby certify that, on the date shown below, this correspondence is being transmitted via facsimile transmission to the United States Patent and Trademark Office, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 to number 1-571-273-8300.

Date: April 30, 2008

Scott R. Zingerman
Scott R. Zingerman

Application No. 10/643,516
Amendment Dated 04/30/2008
Reply to Office Action of 10/30/2007
Page 2 of 14

Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Previously Amended) 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) transmitting said plurality of tokens to a remote computing device;
 - (d) 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;
 - (e) transmitting at least a portion of said response from the user to a server via a network; and
 - (f) storing said response at said server.

2. (Original) The method for managing data of claim 1 further comprising the step of:
 - (g) translating said response to a format recognizable by a particular computer program; and
 - (h) accessing the translated response from a computer executing said particular computer program.

3. (Original) 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;

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- (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. (Original) 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. (Original) The method of data management of claim 1 wherein the transmission of said tokens in step (c) occurs via the network of step (e).

6. (Original) 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 computing device, said transmitted tokens comprising less than the entire tokenized questionnaire;
- (d) incorporating said transmitted tokens into said questionnaire at said remote computing device.

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7. (Currently Amended) A method for collecting survey data from a user comprising:
- (a) designing a questionnaire having branching logic on a first computer platform;
 - (b) automatically transferring said designed questionnaire to at least one loosely networked computer;
 - (c) executing said transferred questionnaire on said loosely networked computer, thereby collecting responses from the user;
 - (d) automatically transferring via the loose network any responses so collected to a central computer; and,
 - (e) making available ~~on the Web~~ in a database any responses transferred to said central computer in step (d).
8. (Original) The method for collecting survey data according to claim 7 further comprising:
- (a) assessing a charge for each transferred response received by said central computer.
9. (Currently Amended) A method for managing data transfers between computers including the steps of:
- (a) creating a questionnaire at a first site in a first computer located at a second site, said first site and said second site being connected by a loose network;
 - (b) transmitting said questionnaire to a remote computer via said loose network, said remote computer running an OIS;
 - (c) modifying said questionnaire with incremental changes at a third site in said first computer located at said second site; and
 - (d) transmitting said incremental changes from said first computer to said remote computer via said loose network;
 - (e) modifying said questionnaire in said remote computer with said incremental changes.

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10. (Original) The method for managing data transfers between computers according to claim 9 wherein said first site and said third site are the same.
11. (Original) The method for managing data transfers between computers according to claim 9 wherein said third site is at said remote computer.
12. (Previously presented) The method of claim 1 wherein said remote computing device is a loosely networked computer.
13. (Previously presented) The method of claim 7 further including tokenizing said designed questionnaire, thereby producing a plurality of tokens representing said questionnaire.
14. (Previously presented) The method of claim 13 wherein said tokens are automatically transferred to said at least one loosely networked computer.
15. (Previously presented) The method of claim 9 further including tokenizing said questionnaire, thereby producing a plurality of tokens representing said questionnaire.
16. (Previously presented) The method of claim 15 wherein said tokens are transmitted to said remote computer.

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Amendment Dated 04/30/2008
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REMARKS

Claims 1-16 are pending in the application. Claims 1-16 are rejected in the Office Action. Claims 7 and 9 are amended herein. Reconsideration and allowance of claims 1-16 is respectfully requested.

Claim Rejections – 35 USC § 102

Claims 7 and 13 are rejected in the Office action under 35 U.S.C. § 102(e) as being anticipated by Sendowski et al., U.S. Patent Application Publication No. 2003/0198934 (hereinafter Sendowski). Reconsideration and allowance of claims 7 and 13 is respectfully requested.

Applicant respectfully disagrees that the Sendowski reference anticipates Applicant's claims 7 and 13. Specifically, Applicant disagrees that Sendowski teaches the step of "(b) automatically transferring said designated questionnaire to at least one loosely networked computer."

However, assuming only for purposes of argument that Sendowski does indeed substantially show or describe the Applicants' invention, the Applicant hereby re-offers and incorporates herein, pursuant to 37 CFR 1.131, the Inventor's Declaration that is attached as Exhibit A to Applicant's Amendment and Response to Office Action Including Declaration under 37 C.F.R. Section 1.131 to Accompany Request for Continued Examination filed on September 24, 2007, which declaration establishes

conception of the instant invention prior to Sendowski's earliest claimed priority date, coupled with due diligence from prior to Sendowski's earliest priority date through the date of filing of this application.

In addition, Applicant submits, attached hereto as Exhibit "B" a document entitled "*Bama Companies, Inc. Field Service Survey Application Technical Design*" dated August 30, 2001 (hereinafter referred to as the "Technical Design"). The Technical Design is submitted in response to a telephone interview with Examiner Tran, wherein additional evidence was requested regarding Applicant's conception of the invention set forth in the claims.

All of the steps of the method of claim 7 can be found in the Technical Design. Claim 7 is set forth below including reference to the Technical Design.

7. *A method for collecting survey data from a user comprising:*

The Technical Design, p. 3 of 19 includes a Mission Vision statement consistent with the method of the preamble.

(a) designing a questionnaire having branching logic on a first computer platform;

The Technical Design, p. 4 of 19, in a section titled "Workflow", includes "Survey Design and Preparation" that will "take place on PCs or servers." In the section titled "Question Types" the different formats of questions are identified, some, such as "yes" or "no" questions requiring branching logic.

(b) automatically transferring said designed questionnaire to at least one loosely networked computer;

The "Workflow" section on p. 4 of 19 describes the transfer of the questionnaire (survey) from the "Administrator" to the "Shopper" via "HotSync." The HotSync methods are further set forth on p. 10 of 19. HotSync methods are "loosely networked" as defined in Applicant's

specification, paragraph 0027, in that it works in "both wired and wireless environments in batch and real-time modes" (p. 17 of 19).

(c) executing said transferred questionnaire on said loosely networked computer, thereby collecting responses from the user;

The "Workflow" section on p. 4 of 19 identifies "Complete Assigned Survey".

(d) automatically transferring via the loose network any responses so collected to a central computer; and,

The "Workflow" section identifies "Send Completed Surveys and Email" via Hot sync.

(e) making available on the Web any responses transferred to said central computer in step (d).

The Technical Design, p. 10 of 19, last paragraph, identifies that once the surveys have been uploaded, they are placed into the corporate survey answer database.

With regard to the rejection of claim 13 under § 102(b), claim 13 is set forth below with reference to the Technical Design.

13. The method of claim 7 further including tokenizing said designed questionnaire, thereby producing a plurality of tokens representing said questionnaire.

The Technical Design describes tokenizing of the designed questionnaire on p. 12 of 19 and 13 of 19.

Accordingly, the method of claims 7 and 13 is fully set forth in the Technical Design. Sendowski was published on October 23, 2003, from an application filed on March 29, 2002. However, the instant Applicant conclusively demonstrates in the Technical Design that he conceived at least as early as January 1, 2002, and that, coupled with his Declaration that he exercised due diligence from at least the date of conception

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until the instant application was filed on August 19, 2003, claiming priority from a United States Provisional patent application filed August 19, 2002. Thus, Sendowski must be removed as a reference with respect to this application.

Further, Sendowski does not claim the same subject matter as that claimed by the Applicant. Every pending claim (1-51) of the Sendowski reference requires the use of a "branch script object", whereas the claims of the instant application clearly exclude recitation of a branch script object. As a consequence, the application as-amended does not claim the same subject matter as Sendowski.

Still further, Sendowski, a pending application, published during the pendency of the instant application — i.e., Sendowski published in October of 2003, and the instant application was filed in August of 2003 claiming the benefit of August of 2002. Thus, applicants are not barred by Sendowski's published patent under 35 USC 102(b).

As a consequence, by virtue of the enclosed Declaration under Rule 1.131, Sendowski has been removed as a prior-art reference with respect to the subject matter of the instant application and rejection under 35 USC 102(e) is improper. Thus, Sendowski is traversed and claim 7, as well as claims 8 and 13 which depends therefrom, should be allowed to issue, which is respectfully requested.

Claim Rejections – 35 USC § 103

Claims 1, 5, 9, 12, and 15 - 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lew et al., U.S. Patent Application Publication No. 2004/0210472

(hereinafter "Lew") in view of Porter, U.S. Patent Number 6,163,811 (hereinafter "Porter"). Reconsideration and allowance of claims 1, 5, 9, 12, and 15-16 is respectfully requested.

An obviousness rejection under 35 U.S.C. § 103 is evaluated by the Office in view of *Graham v. John Deere Co.*, 383 US 1 (1966). Such analysis requires: (A) the claimed invention must be considered as a whole; (B) the references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination; (C) the references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and (D) reasonable expectation of success is the standard with which obviousness is determined. See MPEP 2141.

Applicant respectfully disagrees that Applicant's claims 1, 5, and 12 would be obvious to one of skill in the art in light of the Lew reference in view of the Porter reference. Specifically, Applicant disagrees that Lew teaches or suggests "tokenizing said questionnaire" as recited in claims 1, 5, and 12.

However, assuming only for purposes of argument that Lew does indeed substantially show or describe the Applicants' invention of Applicant's claim 1, the Applicant hereby re-offers and incorporates herein, pursuant to 37 CFR 1.131, the Inventor's Declaration, that is attached as Exhibit A to Applicant's Amendment and Response to Office Action Including Declaration under 37 C.F.R. Section 1.131 to Accompany Request for Continued Examination filed on September 24, 2007, which declaration establishes conception of the instant invention prior to Lew's earliest claimed

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priority date, coupled with due diligence from prior to Lew's earliest priority date through the date of filing of this application.

In addition, Applicant submits, attached hereto as Exhibit "B" a document entitled "*Bama Companies, Inc. Field Service Survey Application Technical Design*" dated August 30, 2001 (hereinafter referred to as the "Technical Design"). The Technical Design is submitted in response to a telephone interview with Examiner Tran wherein additional evidence was requested regarding Applicant's conception of the invention set forth in the claims.

All of the steps of the method of claim 1 can be found in the Technical Design. Claim 1 is set forth below including reference to the Technical Design.

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

The Technical Design, p. 3 of 19 includes a Mission Vision statement consistent with the method of the preamble.

(a) creating a questionnaire comprising a series of questions;

The Technical Design, p. 4 of 19, in a section titled "Workflow", includes "Survey Design and Preparation" that will "take place on PCs or servers." In the section titled "Question Types" the different formats of questions are identified.

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

The Technical Design describes tokenizing of the designed questionnaire on p. 12 of 19, 13 of 19, and 14 of 19.

(c) transmitting said plurality of tokens to a remote computing device;

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The "Workflow" section on p. 4 of 19 describes the transfer of the questionnaire (survey) from the "Administrator" to the "Shopper" via "HotSync."

(d) 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;

The "Workflow" section on p. 4 of 19 identifies "Complete Assigned Survey".

(e) transmitting at least a portion of said response from the user to a server via a network; and

The "Workflow" section on p. 4 of 19 identifies "Send Completed Surveys and Email" via Hot sync.

(f) storing said response at said server.

The Technical Design, p. 10 of 19, last paragraph, identifies that once the surveys have been uploaded, they are placed into the corporate survey answer database.

Accordingly, the method of claim 1 is fully set forth in the Technical Design. Lew was published on October 21, 2004, from an application filed on July 24, 2003, claiming priority to a Provisional application filed on July 25, 2002. However, the instant Applicant conclusively demonstrates in his Declaration and the Technical Design that he conceived at least as early as January 1, 2002, and that he exercised due diligence from at least the date of conception until the instant application was filed on August 19, 2003, claiming priority from a United States Provisional patent application filed August 19, 2002. Thus, Lew must be removed as a reference with respect to this application.

Further, Lew does not claim the same subject matter as that claimed by the Applicant. As stated previously, the claims of the Lew reference do not recite

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“tokenizing said questionnaire”, as recited in claims 1, 5, and 9 of the instant application.

As a consequence, the application does not claim the same subject matter as Lew.

Still further, Lew, a pending application, published during the pendency of the instant application — i.e., Lew published in October of 2004, and the instant application was filed in August of 2003 claiming the benefit of August of 2002. Thus, applicants are not barred by Lew’s published patent under 35 USC 102(b).

As a consequence, by virtue of the enclosed Declaration under Rule 1.131, Lew has been removed as a prior-art reference with respect to the subject matter of the instant application and rejection under 35 USC 103(a) is improper. Thus, the rejection of claims 1. The Porter reference does not teach or suggest all of the elements of claims 2-6 and 12 as a whole as is required to sustain a rejection under 35 U.S.C. § 103. As a result, claim 1 as well as claims 2-6 and 12 which depend from claim 1 should be allowed to issue, which is respectfully requested.

With regard to claim 9, it is asserted in the Office Action, pages 9 and 10, that the Sendowski reference teaches “modifying said questionnaire with incremental changes” and references table 2 and paragraph 0058. Applicant respectfully disagrees. Sendowski does not modify the *questionnaire*. The questionnaire remains the same. Instead, the template is modified as stated by Sendowski in paragraph 58. Accordingly, the rejection is overcome. Reconsideration and allowance of claim 9 is respectfully requested.

Claims 10, 11, 15, and 16 depend from claim 9 and are allowable at least for the reasons set forth above. Reconsideration and allowance of claims 10, 11, 15, and 16 is respectfully requested.

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Page 14 of 14

Respectfully submitted,

Date: April 30, 2008

By Scott R. Zingerman
Scott R. Zingerman, Reg. No. 35,422

FELLERS, SNIDER, BLANKENSHIP,
BAILEY & TIPPENS, P.C.
321 South Boston, Suite 800
Tulsa, Oklahoma 74103-3318
(918) 599-0621

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Date: April 30, 2008

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TO	COMPANY NAME	FAX NUMBER
MAIL STOP AMENDMENT	USPTO	571-273-8300

FROM: SCOTT R. ZINGERMAN, Reg. No. 35,422

**FELLERS, SNIDER, BLANKENSHIP,
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 TELECOPIER: (918) 583-9659

AUTO QUOTE: 57442

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MESSAGE: U.S. Application Serial No. 10/643,516.
 1. Petition for Extension of Time under 37 CFR § 1.136 (a).
 2. Credit Card Payment Form.

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PTO/SB/22 (09-08)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2006 <i>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</i>	Docket Number (Optional) 57442/03-533 <div style="text-align: center; border: 1px solid black; padding: 2px;"> RECEIVED CENTRAL FAX CENTER APR 30 2008 </div>																		
Application Number 10/643,516	Filed 08/19/2003																		
For SYSTEM AND METHOD FOR DATA MANAGEMENT																			
Art Unit 2151	Examiner Nghi V. Tran																		
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.																			
The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):																			
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	<table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Fee</th> <th style="text-align: left; border-bottom: 1px solid black;">Small Entity Fee</th> <th style="text-align: left; border-bottom: 1px solid black;">\$ _____</th> </tr> </thead> <tbody> <tr> <td>\$ 120</td> <td>\$ 60</td> <td>\$ _____</td> </tr> <tr> <td>\$ 450</td> <td>\$ 225</td> <td>\$ _____</td> </tr> <tr> <td><input checked="" type="checkbox"/> \$ 1,020</td> <td>\$ 510</td> <td>\$ <u>510</u></td> </tr> <tr> <td>\$ 1,590</td> <td>\$ 795</td> <td>\$ _____</td> </tr> <tr> <td>\$ 2,160</td> <td>\$ 1,080</td> <td>\$ _____</td> </tr> </tbody> </table>	Fee	Small Entity Fee	\$ _____	\$ 120	\$ 60	\$ _____	\$ 450	\$ 225	\$ _____	<input checked="" type="checkbox"/> \$ 1,020	\$ 510	\$ <u>510</u>	\$ 1,590	\$ 795	\$ _____	\$ 2,160	\$ 1,080	\$ _____
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<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.	05/01/2008 PCHOMP 00000009 060540 10643516 01 FC:2253 15.00 DA 510.00 DP																		
<input type="checkbox"/> A check in the amount of the fee is enclosed.																			
<input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.																			
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.																			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account Number <u>06-0540</u> .																			
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.																			
I am the <input type="checkbox"/> applicant/inventor.																			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).																			
<input checked="" type="checkbox"/> attorney or agent of record. Registration Number <u>35422</u>																			
<input type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____																			
<u>Scott R. Zingerman</u> Signature	<u>April 30, 2008</u> Date																		
<u>Scott R. Zingerman</u> Typed or printed name	<u>918/599-0621</u> Telephone Number																		
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.																			
<input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted.																			

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

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 10/643,516	Filing Date 08/19/2003	<input type="checkbox"/> To be Mailed
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APPLICATION AS FILED – PART I			OTHER THAN SMALL ENTITY				
	(Column 1)	(Column 2)	SMALL ENTITY <input checked="" type="checkbox"/>	OR			
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)
<input type="checkbox"/> BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small>	N/A	N/A	N/A			N/A	
<input type="checkbox"/> SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small>	N/A	N/A	N/A			N/A	
<input type="checkbox"/> EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small>	N/A	N/A	N/A			N/A	
TOTAL CLAIMS <small>(37 CFR 1.16(i))</small>	minus 20 =	*	X \$ =		OR	X \$ =	
INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small>	minus 3 =	*	X \$ =			X \$ =	
<input type="checkbox"/> APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small>	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT <small>(37 CFR 1.16(j))</small>							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II					OTHER THAN SMALL ENTITY				
	(Column 1)	(Column 2)	(Column 3)		SMALL ENTITY	OR			
AMENDMENT	04/30/2008	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	Total <small>(37 CFR 1.16(i))</small>	* 16	Minus ** 20	= 0	X \$25 =	0		X \$ =	
	Independent <small>(37 CFR 1.16(h))</small>	* 3	Minus *** 3	= 0	X \$105 =	0		X \$ =	
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>								
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>						OR		
					TOTAL ADD'L FEE	0		TOTAL ADD'L FEE	

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

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
 /PATSY ZIMMERMAN/

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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
10/643,516 08/19/2003 J. David Payne 57442/03-533 4504

22206 7590 09/04/2008
FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA, OK 74103-3318

EXAMINER

TRAN, NGHI V

ART UNIT PAPER NUMBER

2151

MAIL DATE DELIVERY MODE

09/04/2008

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.

Office Action Summary	Application No. 10/643,516	Applicant(s) PAYNE, J. DAVID	
	Examiner NGHI V. TRAN	Art Unit 2151	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 April 2008.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date 01/30/2008.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

1. This office action is in response to the amendment filed on April 30, 2008. No claims have been amended. No claims have been canceled. Therefore, claims 1-16 are presented for further examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 7 is rejected under 35 U.S.C. 102(e) as being anticipated by Peters et al., United States Patent Number 5,842,195 (hereinafter Peters).

4. Claim 7 is rejected under 35 U.S.C. 102(e) as being anticipated by Peters et al., United States Patent Number 5,842,195 (hereinafter Peters).

5. With respect to claim 7, Peters teaches a method for collecting survey data [= survey database **102**, see figs.13-14] from a user [= obtaining information from a plurality of computer users **7** to **12**, see abstract], comprising:

- (a) designing a questionnaire [= construct a survey questionnaire document, col.2, ll.66-67] having branching logic [= branched-to-questions, col.5, ll.49 through col.6, ll.30] on a first computer platform [= a “survey author”, col.2, ll.65-67] [see fig.1 and fig.13];
- (b) automatically [= automatically present the information in an already collated and format, col.3, ll.39-41] transferring said designed questionnaire to at least one communication networked computer [col.6, ll.40-52];
- (c) executing said transferred questionnaire on said communication networked computer, thereby collecting responses from the user [fig.13 and col.21, ll.59 through col.23, ll.29];
- (d) automatically transferring via the communication network any responses so collected to a central computer [= collator collects all the response survey, step 106, 108, and 110] [fig.13]; and,
- (e) making available in a database [= database 102] any responses transferred to said central computer in step (d) [fig.13].

Claim Rejections - 35 USC § 103

6. 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.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peters as applied in claim 7 above, in view of Joao, U.S. Patent Application Publication No. 2001/0056374 (hereinafter Joao).

8. With respect to claim 8, Peters does not explicitly show assessing a charge for each transferred response received by said central computer.

In a method for collecting survey data, Joao discloses assessing a charge [i.e. compensation, rewards, rebates and/or incentives can be provided for viewing, reviewing, participating in and/or interacting with, the entire survey, poll and/or questionnaire, paragraph 0230] for each transferred response received by said central computer [paragraphs 0228-0037].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Peters in view of Joao by assessing a charge for each transferred response received by said central computer because this feature can receive compensation, a reward, a rebate, and/or an incentive [Joao, paragraph 0009]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to facilitate commerce between any parties and/or any number of parties [Joao, paragraph 0009].

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9. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters, as applied in claim 7 above, in view of Porter, United States Patent Number 6,163,811 (hereinafter Porter).

10. With respect to claim 13, Peters does not explicitly show tokenizing said designed questionnaire, thereby producing a plurality of tokens representing said questionnaire.

In a managing data method, Porter suggests tokenizing said questionnaire for reducing bandwidth requirements [= tokenized form, generated from an original form, thereby reducing transmission bandwidth requirement on communication medium **180**, see figs.1a-c and its decryptions].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Peters in view of Porter by tokenizing said questionnaire for reducing bandwidth requirements because this feature is using compression techniques to distribute source files over a network while minimizing the network bandwidth [Porter, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to reduce transmission bandwidth requirement [Porter, col.1, lns.65-67].

11. With respect to claim 14, Peters does not explicitly show wherein said remote computing device is a loosely networked computer.

In a related art, Brookler discloses wherein said remote computing device is a loosely networked computer [= SMS, WAP, PALM OS, fig.3].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Peters in view of Porter, and further in view of Brookler by implementing said remote computing device via a loosely networked computer because this feature may participate in the survey regardless of the means by which they choose to connect to the network [Brookler, paragraph 0003]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to allow some retroactive compatibility with older versions of web browsers [Brookler, paragraph 0056].

12. Claims 1 and 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters et al., United States Patent Number 5,842,195 (hereinafter Peters, in view of Porter, United States Patent Number 6,163,811 (hereinafter Porter).

13. With respect to claim 1, Lew teaches a method for managing data [see abstract] including the steps of:

- (a) creating a questionnaire [= construct a survey questionnaire document, col.2, ll.66-67] comprising a series of questions [= branched-to-questions, col.5, ll.49 through col.6, ll.30] [see fig.1 and fig.13];
- (b) transmitting said designed questionnaire to a remote computing device [col.6, ll.40-52];

- (c) executing said transferred questionnaire on said communication networked computer, thereby collecting responses from the user [fig.13 and col.21, ll.59 through col.23, ll.29];
- (d) automatically transferring via the communication network any responses so collected to a central computer [= collator collects all the response survey, step 106, 108, and 110] [fig.13]; and,
- (e) making available in a database [= database 102] any responses transferred to said central computer in step (d) [fig.13].

However, Peters does not explicitly show tokenizing said questionnaire for reducing bandwidth requirements.

In a managing data method, Porter suggests tokenizing said questionnaire for reducing bandwidth requirements [= tokenized form, generated from an original form, thereby reducing transmission bandwidth requirement on communication medium **180**, see figs.1a-c and its decryptions].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Peters in view of Porter by tokenizing said questionnaire for reducing bandwidth requirements because this feature is using compression techniques to distribute source files over a network while minimizing the network bandwidth [Porter, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to reduce transmission bandwidth requirement [Porter, col.1, lns.65-67].

14. With respect to claim 3, Peters further teaches wherein step (a) includes the substeps of: (a) creating a questionnaire [= authoring/creating survey] by:

(i) entering a series of questions into a questionnaire design computer program [fig.2];

(ii) identifying within said questionnaire design computer program the type of response allowed for each question of said series of questions [figs.11-12]; 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 [= branched-to-questions, col.5, ll.49 through col.6, ll.30 [fig.1 and 13].

15. With respect to claim 4, Peters does not explicitly show (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.

In a managing data method, Porter suggests tokenizing said questionnaire for reducing bandwidth requirements [= tokenized form, generated from an original form, thereby reducing transmission bandwidth requirement on communication medium **180**, see figs.1a-c and its decryptions].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Peters in view of Porter by tokenizing said questionnaire for reducing bandwidth requirements because this feature is using

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compression techniques to distribute source files over a network while minimizing the network bandwidth [Porter, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to reduce transmission bandwidth requirement [Porter, col.1, Ins.65-67].

16. With respect to claim 5, Peters does not explicitly show wherein the transmission of said tokens in step (c) occurs via the network of step (e).

In a managing data method, Porter suggests wherein the transmission of said tokens in step (c) occurs via the network of step (e) [= tokenized form, generated from an original form, thereby reducing transmission bandwidth requirement on communication medium **180**, see figs.1a-c and its decryptions].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Peters in view of Porter by tokenizing said questionnaire for reducing bandwidth requirements via the network because this feature is using compression techniques to distribute source files over a network while minimizing the network bandwidth [Porter, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to reduce transmission bandwidth requirement [Porter, col.1, Ins.65-67].

17. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters in view of Porter, as applied to claim 1 above, and further in view of Brookler et

al., United States Patent Application Publication Number 2002/0007303 (hereinafter Brookler).

18. With respect to claim 2, Peters does not explicitly show the step of: (g) translating said response to a format recognizable by a particular computer program; and (h) accessing the translated response from a computer executing said particular computer program.

In a method for managing data, Brookler suggests the step of: (g) translating said response to a format recognizable [= markup language translation layer **96**] by a particular computer program [paragraphs 0072-0083]; and (h) accessing the translated response from a computer executing said particular computer program [paragraphs 0028-0033 and 0050-0059 and fig.1 and fig.3].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Peters in view of Porter, and further in view of Brookler by accessing a translated response to a format recognizable by a particular computer program because this feature may participate in the survey regardless of the means by which they choose to connect to the network [Brookler, paragraph 0003]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to allow some retroactive compatibility with older versions of web browsers [Brookler, paragraph 0056].

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19. With respect to claim 12, Peters does not explicitly show wherein said remote computing device is a loosely networked computer.

In a related art, Brookler discloses wherein said remote computing device is a loosely networked computer [= SMS, WAP, PALM OS, fig.3].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Peters in view of Porter, and further in view of Brookler by implementing said remote computing device via a loosely networked computer because this feature may participate in the survey regardless of the means by which they choose to connect to the network [Brookler, paragraph 0003]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to allow some retroactive compatibility with older versions of web browsers [Brookler, paragraph 0056].

20. Claims 6 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brookler in view of Gresham et al., United States Patent Application Publication Number 2002/0160773 (hereinafter Gresham).

21. With respect to claims 6 and 9, Brookler teaches a method for managing data transfers between computers [see abstract and fig.1] including the steps of:

(a) creating a questionnaire [= create surveys, step 1] at a first site [= surveyors **16, 18, and 20**] in a first computer [= PC **20**] located at a second site [fig.1], said first site

and said second site being connected by a loose network [= WAP, SMS, Palm OS, fig.6];

(b) transmitting said question to a remote computer [= respondents/users] via said network, said remote computer running an OIS [= cell phone 16, palm OS 18];

(c) modifying said questionnaire at a third site in said first computer located at said second site [= responses, step 3]; and

(d) transmitting said responses from said first computer to said remote computer via said loose network [fig.1];

(e) modifying said questionnaire in said remote computer with said response [paragraphs 0069].

However, Brookler does not explicitly show modifying with incremental changes.

In a wireless system, Gresham discloses modifying with incremental changes [= updating live data analysis, paragraph 0110 and fig.1].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Brookler in view of Gresham by modifying with incremental changes because this feature enables updating cache [Gresham, paragraph 0110]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to update within each page without having to reload all of each page [Gresham, paragraph 0110].

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22. With respect to claim 10, Brookler further teaches wherein said first site and said third site are the same [fig.1].

23. With respect to claim 11, Brookler further teaches wherein said third site is at said remote computer [fig.1].

24. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brookler in view of Gresham, as applied in claim 9 above, in view of Porter, United States Patent Number 6,163,811 (hereinafter Porter).

25. With respect to claims 15-16, Brookler does not explicitly show tokenizing said designed questionnaire, thereby producing a plurality of tokens representing said questionnaire.

In a managing data method, Porter suggests tokenizing said questionnaire for reducing bandwidth requirements [= tokenized form, generated from an original form, thereby reducing transmission bandwidth requirement on communication medium **180**, see figs.1a-c and its decryptions].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Brookler-Gresham, and further in view of Porter by tokenizing said questionnaire for reducing bandwidth requirements because this feature is using compression techniques to distribute source files over a network

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while minimizing the network bandwidth [Porter, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to reduce transmission bandwidth requirement [Porter, col.1, lns.65-67].

Response to Arguments

26. Applicant's arguments, see the remarks, filed April 30, 2008, with respect to the rejection(s) of claim(s) 1-16 under Sendowski and Lew have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Peters et al. and Brookler et al.

Conclusion

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2151

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi Tran
Patent Examiner
Art Unit 2151

July 24, 2008

.....
/John Follansbee/
Supervisory Patent Examiner, Art Unit 2151

Notice of References Cited	Application/Control No. 10/643,516	Applicant(s)/Patent Under Reexamination PAYNE, J. DAVID	
	Examiner NGHI V. TRAN	Art Unit 2151	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,842,195	11-1998	Peters et al.	707/1
*	B	US-6,151,581	11-2000	Kraftson et al.	705/3
*	C	US-2002/0007303	01-2002	Brookler et al.	705/10
*	D	US-2002/0160773	10-2002	Gresham et al.	455/431
*	E	US-2003/0126010	07-2003	Barns-Slavin, Ileana	705/10
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

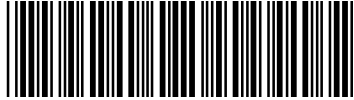
FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Index of Claims 	Application/Control No. 10643516	Applicant(s)/Patent Under Reexamination PAYNE, J. DAVID
	Examiner NGH I V TRAN	Art Unit 2151

✓	Rejected
=	Allowed


-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

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

CLAIM		DATE							
Final	Original	07/24/2008							
	1	✓							
	2	✓							
	3	✓							
	4	✓							
	5	✓							
	6	✓							
	7	✓							
	8	✓							
	9	✓							
	10	✓							
	11	✓							
	12	✓							
	13	✓							
	14	✓							
	15	✓							
	16	✓							

Search Notes 	Application/Control No. 10643516	Applicant(s)/Patent Under Reexamination PAYNE, J. DAVID
	Examiner NGH I V TRAN	Art Unit 2151

SEARCHED			
Class	Subclass	Date	Examiner
709	203	07/24/2008	NT
709	223	07/24/2008	NT
709	224	07/24/2008	NT

SEARCH NOTES		
Search Notes	Date	Examiner
Update keyword search using EAST	07/24/2008	NT

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449B/PTO SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known				
				Application Number	10/643,516			
				Filing Date	08/19/2003			
				First Named Inventor	Payne			
				Art Unit	2151			
Examiner Name	Nghi V. Tran		Sheet	2	of	2	Attorney Docket Number	57442/03-533

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	C	PETSAS, ET AL., "WAP-Based personalised health care services"; Proceedings of the 23rd Annual International Conference of the IEEE Engineering in Medicine and Biology Society. 2001 Conference Proceedings. (EMBS) Istanbul, Turkey, Oct. 25-28, 2001, Annual International Conference of The IEEE Engineering in M. vo.l. 1 of 4, Conf. 23, 25 Oct. 2001 pgs. 3536-3539	
	D	GIIRARDOT, M., ET AL., "Efficient Representation and Streaming of XML Content Over the Internet Medium", MULTIMEDIA AND EXPO, 2000. ICME 2000. 2000 IEEE INTERNATIONAL CONFERENCE ON NEW YROK, NY, USA, 30 July 2000, pgs. 67070	
	E	ANONYMOUS; "WAP Binary XML Content Format", Internet Document [Online], 24 June 1999, pgs. 1-14	

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

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.
This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

#429377 v1.

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	1	"20020007303" and updat\$4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/08/20 16:44
S1	2841	((in\$1cre\$6 or up\$1dat\$4 or modif\$4) with (portion\$2 or change\$2)) same (vot\$4 or survey\$2 or question\$2) and (@ad<"20020101" or @rlad<"20020101")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/08/20 14:44
S2	1029	((in\$1cre\$6 or up\$1dat\$4 or modif\$4) with (portion\$2 or change\$2) with (vot\$4 or survey\$2 or question\$2)) and (@ad<"20020101" or @rlad<"20020101")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/08/20 14:46
S3	177	((in\$1cre\$6 or up\$1dat\$4 or modif\$4) adj3 (portion\$2 or change\$2)) with (vot\$4 or survey\$2 or question\$2) and (@ad<"20020101" or @rlad<"20020101")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/08/20 14:47
S4	40	((in\$1cre\$6 or up\$1dat\$4 or modif\$4) adj3 (portion\$2 or change\$2)) with (vot\$4 or survey\$2) and (@ad<"20020101" or @rlad<"20020101")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/08/20 14:50
S5	1	((in\$1cre\$6 or up\$1dat\$4 or modif\$4) adj3 (portion\$2 or change\$2)) with (reload\$4) and survey\$2 and (@ad<"20020101" or @rlad<"20020101")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/08/20 15:02
S6	7	((in\$1cre\$6 or up\$1dat\$4 or modif\$4) with (portion\$2 or change\$2)) with (reload\$4) and survey\$2 and (@ad<"20020101" or @rlad<"20020101")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/08/20 15:03

S7	541	((in\$1cre\$6 or up\$1dat\$4 or modif\$4) with (portion\$2 or change\$2)) same (survey\$2) and (@ad<"20020101" or @rlad<"20020101")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/08/20 15:06
S8	12	((in\$1cre\$6 or updat\$4) near4 (portion\$2 or change\$2)) with ("not" or "without") with (reload\$4) and (@ad<"20020101" or @rlad<"20020101")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/08/20 15:12

8/ 20/ 2008 5:15:36 PM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): J. David Payne	Confirmation No.: 4504
Application No.: 10/643,516	Art Unit: 2151
Filed: 08/19/2003	Examiner: Nghị V. Tran
Title: SYSTEM AND METHOD FOR DATA MANAGEMENT	
Attorney Docket No.: 57442/03-533	

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

AMENDMENT AND RESPONSE

This paper is filed in response to the Office Action mailed September 4, 2008. Please consider this to be a Petition for a Two-Month Extension of Time to respond. Applicant authorizes the use of a credit card in payment of the filing fee for the extra independent claim and the Request for Extension of Time in the total amount of \$355.00. If any additional fee is required by virtue of the filing of this paper, please also consider this a general authorization to charge Deposit Account No. 06-0540 for the same.

Please amend the application as follows:

Amendments to the Claims

In response to the Official Action and in accordance with 37 CFR 1.121(c), please enter the following rewritten claims. This listing of claims will replace all prior versions and listings of the claims in this application.

Please cancel Claim **5** and Claims **12-16** without prejudice.

Please add new Claims **17-21**.

1. (*Currently Amended*) 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 network connection with a remote computing device;
 - (d) transmitting said plurality of tokens to a remote computing device via said first network connection;
 - (e) terminating said first network connection with said remote computing device;
 - (f)(d) after said first 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 network connection between said remote computing device and a server;
 - (h)(e) after said second network connection is established, transmitting at least a portion of said response from the user to a said server via a said second network connection; and

- (i)(f) storing said transmitted response at said server.
2. (*Currently Amended*) The method for managing data of claim 1 further comprising the step of:
- (j)(g) translating said response to a format recognizable by a particular computer program; and
- (k)(h) accessing the translated response from a computer executing said particular computer program.
3. (*Original*) 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. (*Original*) 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. *(Cancelled)*

- 6. *(Currently amended)* 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.

- 7. *(Currently Amended)* A method for collecting survey data from a user comprising:
 - (a) designing a questionnaire having branching logic on a first computer platform;

- (b) automatically transferring said designed questionnaire to at least one loosely networked computer;
 - (c) executing said transferred questionnaire on said loosely networked computer, thereby collecting responses from the user;
 - (d) automatically transferring from said loosely networked computer to a central computer ~~via the loose network~~ any responses so collected ~~to a central computer~~; and,
 - (e) making available in a database any responses transferred to said central computer in step (d).
8. (*Original*) The method for collecting survey data according to claim 7 further comprising:
- (a) assessing a charge for each transferred response received by said central computer.
9. (*Currently Amended*) A method for managing data transfers between computers including the steps of:
- (a) creating a questionnaire at a first site in a first computer ~~located at a second site, said first site and said second site being connected by a loose network~~;
 - (b) tokenizing said questionnaire, thereby producing a tokenized questionnaire;
 - (c) bringing a remote computer into electronic communication with said first computer;

- ~~(b)~~(d) transmitting said tokenized questionnaire to said remote computer a remote computer via said loose network, said remote computer running an OIS;
- (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;
- ~~(e)~~(h) modifying said questionnaire with incremental changes at a second computer ~~third site in said first computer~~ located at said a second site; ~~and~~
- (i) placing said remote computer into electrical communication with said second computer;
- ~~(d)~~(j) transmitting said incremental changes from said ~~first~~ second computer to said remote computer via said loose network;
- ~~(e)~~(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.
10. (*Currently Amended*) The method for managing data transfers between computers according to claim 9 wherein said first site computer and said ~~third~~ second computer are ~~the~~ a same computer.
11. (*Currently Amended*) The method for managing data transfers between computers according to claim 9 10 wherein said server and said first computer are said same computer-site is at said remote computer.

Claims 12 – 16 (*Cancelled*)

17. (*New*) 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.
18. *(New)* A method for collecting survey data from a user according to claim 17, wherein step (j) comprises the step of printing a report from any of said response to transmitted.
19. *(New)* A method for collecting survey data from a user according to claim 17, wherein said first computer and said second computer are a same computer.

20. (New) A method for modifying a questionnaire used in data management according to the method of claim 17, 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.
21. (New) A method for managing data according to claim 1, wherein said first network connection and said second network connection are a same network connection.

CLAIM AMENDMENT

Claim 1 has been amended to make clearer the invention claimed by the instant inventor. More particularly, this claim has been amended to more clearly reflect the fact that the remote computing device is one that is “loosely networked”. This concept is discussed throughout the instant application and, as such, does not constitute new matter.

Claim 6 has been amended to reflect the modified antecedent basis found in Claim 1 and, as such, does not constitute new matter.

Claim 7 has been amended to make clearer that the responses that are collected in step (c) are transferred from the loosely networked computer to a central computer. This concept is discussed throughout the instant application and, as such, does not constitute new matter.

New Claims 17-20 contain an explicit requirement that the handheld that is used to collect user responses be removed from electronic communication with the computer that supplied the questionnaire before data is collected. Support for this embodiment may be found throughout the instant specification and, as such, this amendment does not constitute new matter.

REMARKS

Claim Rejections - 35 USC § 102

Claim 7 stands as rejected under 35 USC 102(e) as being anticipated by Peters et al. (USPN 5,842,195). It is said that Peters teaches a method for collecting survey data from a user that includes, among other things, what is said to be Applicant's step 7(b) of transferring said designated questionnaire to at least one communication networked computer. Column 6, lines 40-52 of Peters are given in support. Similarly, it is said that Applicant's step (d) comprises "automatically transferring via the communication network any responses so collected to a central computer". Steps 106, 108, and 110, as well as Figure 13, of the Peters reference are given in support.

In reply, Applicant would respectfully differ with the Examiner's recitation of the limitation found in Claim 7(b). The instant invention clearly requires the use of a loose network / loosely networked remote computing device, but the Examiner has apparently equated this concept with Peter's "communication networked computer" (page 3 of the Office Action).

Of course, this is not what Applicant has taught and claimed. More particularly, Applicant's Claim 7 requires a loosely networked computer, as that phrase is defined in the specification at, for example, paragraph [0050] of the instant application. A "communication networked computer" would not satisfy the requirement that, if a network connection is not available, the survey information will be stored until such time as a network connection becomes available. Upon establishing a connection between the remote computing device and the server, the survey data will be sent and/or questionnaire data will be received.

Additionally, it is believed that step (d), as amended, is not taught or suggested in Peters. In more particular, claim step 7(d) requires a transfer from a loosely networked computer to a central computer. Peters does not teach a loosely networked computer as has been discussed previously.

Nothing in Peters teaches Applicant's approach. As a consequence, for at least the above-identified reasons, it is believed that the instant rejection under Section 102 is improper and should be withdrawn.

Claim Rejections - 35 USC § 103

Claim 8 stands are rejected under 35 U.S.C. § 103 as being unpatentable over Peters as applied in Claim 7 above, in view of Joao (U.S. Patent App. Pub. No. 2001/0056374). It is said that with respect to Claim 8, Peters does not explicitly show assessing a charge for each transferred response but that Joao discloses a charge for each transferred response received by the central computer. Paragraphs 0228-0037 are given in support.

As an initial matter, it should be noted that Applicant assumes that the Examiner intended to type paragraphs 0228-0237 in the Office Action. If that is not correct, Applicant would welcome an opportunity to correct the instant response.

Additionally, Claim 8, depending as it does from an independent claim believed to be allowable, should similarly be allowable.

Further, as discussed previously, Peters does not teach or suggest the use of a loosely networked computer for purposes of collecting survey data and transmitting same back to a central computer.

As such, it is believed that for at least all the above reasons, the instant rejection under § 102 is improper and should be withdrawn.

Claims **13-14** stand as rejected under 35 U.S.C. § 103(a) as being unpatentable over Peters as applied to Claim 7 above, in view of Porter (USPN 6,163,811).

In reply, Claims **13** and **14** have been cancelled *supra*, thereby making this rejection moot.

Claim **14** stands as rejected under 35 U.S.C. § 103 as being unpatentable over Peters in view of Porter. It is said that Peters does not explicitly show where the remote computing device is a loosely networked computer, but Brookler is said to disclose wherein the remote computing device is a loosely networked computer, and Figure 3 of Brookler is given in support.

In reply, Applicant has cancelled Claim **14** *supra*, thereby making this rejection moot.

Claims **1** and **3-5** stand as rejected under 35 USC 103(a) as being unpatentable over Peters et al., USPN 5,842,195 (“Peters”) in view of Porter, USPN 6,163,811 (“Porter”). It is said that Peters does not explicitly show tokenizing the questionnaire, but Porter is said to disclose this aspect. Figures (1a) through (1c) of Porter are given in support.

In Examiner’s paragraph 13 page 6, it is said that “Lew teaches...”. It is assumed that this is a typographic error and that “Peters” should have been written instead.

With respect to Claim **1**, It is said that Peters teaches creating a questionnaire includes each step of Applicant’s Claim **1** except that Peters does not show tokenizing said questionnaire. It is further said that Porter suggests such tokenization for reducing bandwidth requirements,

with Figures 1A-C given in support. It is said then that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Peters in view of Porter by tokenizing the questionnaire to reduce bandwidth requirements.

In reply, Applicant believes that, for at least the reasons identified above, the instant claim as-amended is distinguishable over the prior art and should be allowed. More particularly, Peters/Porter does not teach or suggest a method that requires establishing a network connection, transmitting tokens to a remote computing device, terminating the connection, executing at least a portion of the tokens after terminating the network connection to collect a response from a user, establishing a network connection, transmitting at least a portion of the user's response to a server. Applicant's approach as recited in Claim 1 as-amended is one that is designed to operate without a network connection. This approach is not taught or suggested in Peters/Porter as has been discussed previously.

As such, for at least the above-identified reasons, it is believed that Claim 1, as-amended, is in condition for allowance and the instant rejection should be withdrawn.

With respect to Claim 3, it is said that Peters further teaches wherein step (a) includes the substeps of entering a series of questions into a questionnaire design computer program, identifying the type of response for each question, and identifying a branching path in said questionnaire for each possible response. Peters at col. 5, line 49 through col. 6, line 30 [fig. 1 and 13] is given in support.

In reply, it is believed that Claim 3, depending as it does on a claim that is believed to be allowable, is similarly allowable. In more particular, nothing in Peters or Porter (alone or in

combination) teaches Applicant's approach of using a loosely networked remote device which is not in electronic in conjunction with a questionnaire that utilizes a branching path.

Thus, for at least the reasons identified above, it is believed that the instant rejection of Claim 3 is improper and should be withdrawn.

With respect to Claim 4, it is said that Peters does not explicitly show assigning at least one token to each question, assigning at least one token to each response, and assigning at least one token to each branch to identify the required program control associated with each branch. But, that Porter suggests tokenizing the questionnaire for reducing the bandwidth requirement.

In reply, for at least the reasons identified above – and further in view of the fact that this claim is dependent from a claim believed to be allowable – it is believed that the instant rejection is improper and should be withdrawn. More particularly, nothing in Peters / Porter suggests Applicant's approach of assigning tokens to each question, to each response, and to each branch in a questionnaire, wherein the remote device on which the user's responses will be collected is a loosely networked computer and wherein the remote device is removed from the network before acquiring responses from a user.

Thus, for at least the reasons identified above, it is believed that the instant rejection of Claim 4 is improper and should be withdrawn.

With respect to Claim 5, it is said that Peters does not explicitly show wherein the transmission of said tokens in step (c) occurs via the network of step (e).

In reply, Claim 5 was cancelled *supra*, thereby making this rejection moot.

Claims **2** and **12** stand as rejected under 35 USC 103(a) as being unpatentable over Peters in view of Porter as applied to Claim **1** above, and further in view of Brookler et al. (US Patent Publication No. 2002/0007303, “Brookler”).

With respect to Claim **2**, it is said that Peters does not explicitly show the step of (g) translating said response to a format recognizable by a particular computer program and (h) accessing the translated response from a computer executing said particular computer program.

In reply, for at least the reasons identified above it is believed that the instant claim, depending as it does from a claim believed to be allowable, is similarly allowable. Further, neither Peters, Porter, nor Brookler – individually or in combination – teaches Applicant’s approach of transmitting a questionnaire to a remote device, terminating the network connection, acquiring a user response using the transmitted questionnaire, establishing a second network connection, and, transmitting the response back to a server where it can be translated into a format recognizable by a particular computer program.

As such, it is believed that the instant rejection of Claim **2** has been overcome and should be withdrawn.

With respect to Claim **12**, it is said that Peters does not explicitly show wherein said remote computing device is a loosely networked computer.

In reply, Claim **12** has been cancelled by amendment *supra*, thereby making this rejection moot.

Turning next to Claims **6**, and **9-11**, it is said that these claims stand as rejected as being unpatentable over Brookler in view of Gresham et al. US Patent App 2002/0160773.

With respect to Claims **6** and **9**, it is said that Brookler teaches a method for managing data transfer between computers including each of Applicant's steps (a) through (e). However, it is said that Brookler does not explicitly show modifying with incremental changes. Gresham is cited for that component.

In reply, Claim **6** depends from a claim believed to be allowable and, as such, is similarly believed to be allowable. In more particular and with respect to both Claims **6** and **9**, neither Brookler nor Gresham, alone or in combination, teach Applicant's approach which involves putting a remote computer in electronic communication with a server, transmitting a tokenized questionnaire to the remote computer, terminating the connection, collecting user a user response, establishing a second network connection, and transmitting an incremental change to the remote computer, terminating the connection, collecting an additional user response and transmitting any user responses to a server. Claim **9** additionally requires collecting at least one additional user response using the modified questionnaire.

Nothing in the above-identified references suggests this approach. As such, it is believed that Claims **6** (depending from as-amended Claim **1**) and **9** are in condition for allowance and that the instant rejection should be withdrawn.

Turning next to Claim **10**, it is said that Brookler further teaches wherein said first site and said third site are the same. Figure **1** of Brookler is given in support.

In reply, Applicant would reiterate the distinction presented above regarding the use of a loosely networked device wherein user responses are collected after the network connection is terminated and then later transmitted after communications are established again. Further, and as is required by Claim **9** as-amended, an incremental update will be transmitted, the questionnaire

updated within the mobile device, the network connection terminated, the questionnaire updated, and an additional user response collected. Finally, note that Claim 10 has been amended to require that the first and second computers be the same.

As such, it is believed that for at least the reasons identified above that Claim 10, as-amended, is in condition for allowance and the instant rejection should be withdrawn.

Turning next to Claim 11, it is said that Brookler further teaches wherein said third site is at said remote computer. Figure 1 of Brookler is given in support.

In reply, note that Claim 11 as-amended requires that the server and the first computer be the same computer. Applicant would reiterate the distinction presented above regarding the use of a loosely networked device wherein user responses are collected after the network connection is terminated and then later transmitted after communications are established again. Further, and as is required by Claim 9 as-amended, an incremental update will be transmitted, the questionnaire updated within the mobile device, the network connection terminated, the questionnaire updated, and an additional user response collected. Further, nothing in Brookler suggests the foregoing sort of arrangement, where the first computer and said server are the same computer.

As such, it is believed that for at least the reasons identified above that Claim 11 is in condition for allowance and the instant rejection should be withdrawn.

Turning next to Claims 15-16, these claims stand as rejected under 35 USC 103(a) as being unpatentable over Brookler in view of Gresham as applied in Claim 9, in view of Porter (USPN 6,163,811, "Porter"). It is further said that Brookler does not explicitly show tokenizing

said designed questionnaire, thereby producing a plurality of tokens representing said questionnaire.

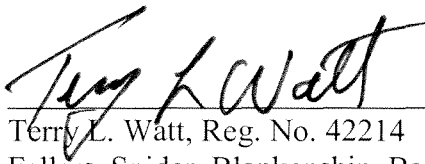
In reply, these two claims have been cancelled, thereby making this rejection moot.

* * *

This paper is intended to constitute a complete response to the Examiner's Office Action. Please contact the undersigned if it appears that a portion of this response is missing or if there remain any additional matters to resolve. If the Examiner feels that processing of the application can be expedited in any respect by a personal conference, please consider this an invitation to contact the undersigned by phone.

Respectfully submitted,

Date: 2/4/08



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Electronic Patent Application Fee Transmittal

Application Number:	10643516
Filing Date:	19-Aug-2003
Title of Invention:	System and method for data management
First Named Inventor/Applicant Name:	J. David Payne
Filer:	Terry L. Watt/Jamie Robinson
Attorney Docket Number:	57442/03-533

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Independent claims in excess of 3	2201	1	110	110

Miscellaneous-Filing:

Petition:

Patent-Appeals-and-Interference:

Post-Allowance-and-Post-Issuance:

Extension-of-Time:

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 2 months with \$0 paid	2252	1	245	245
Miscellaneous:				
Total in USD (\$)				355

Electronic Acknowledgement Receipt

EFS ID:	4735273
Application Number:	10643516
International Application Number:	
Confirmation Number:	4504
Title of Invention:	System and method for data management
First Named Inventor/Applicant Name:	J. David Payne
Customer Number:	22206
Filer:	Terry L. Watt/Jamie Robinson
Filer Authorized By:	Terry L. Watt
Attorney Docket Number:	57442/03-533
Receipt Date:	04-FEB-2009
Filing Date:	19-AUG-2003
Time Stamp:	17:47:43
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$355
RAM confirmation Number	3143
Deposit Account	060540
Authorized User	ROBINSON,JAMIE A.

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and classification fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Unfiled Patents

Exhibit 1003

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Amendment/Req. Reconsideration-After Non-Final Reject	ScannedAmendmentAndRespT o09-04-2008OA.pdf	335493 c511397a7989de3b320ff63d22cd5abfc9cd ae85	no	19

Warnings:**Information:**

2	Fee Worksheet (PTO-06)	fee-info.pdf	31677 47502f3cc9089f784b12cbb346834583ef69 4983	no	2
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Warnings:**Information:**

Total Files Size (in bytes):	367170
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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.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 10/643,516	Filing Date 08/19/2003	<input type="checkbox"/> To be Mailed
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APPLICATION AS FILED – PART I			OTHER THAN SMALL ENTITY			
	(Column 1)	(Column 2)	SMALL ENTITY <input checked="" type="checkbox"/>	OR		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	RATE (\$)	FEE (\$)
<input type="checkbox"/> BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small>	N/A	N/A	N/A		N/A	
<input type="checkbox"/> SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small>	N/A	N/A	N/A		N/A	
<input type="checkbox"/> EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small>	N/A	N/A	N/A		N/A	
TOTAL CLAIMS <small>(37 CFR 1.16(i))</small>	minus 20 =	*	X \$ =	OR	X \$ =	
INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small>	minus 3 =	*	X \$ =		X \$ =	
<input type="checkbox"/> APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small>	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).					
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT <small>(37 CFR 1.16(j))</small>						
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL		TOTAL	

APPLICATION AS AMENDED – PART II					OTHER THAN SMALL ENTITY				
	(Column 1)	(Column 2)	(Column 3)						
AMENDMENT	02/04/2009	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 15	Minus	** 20	= 0	X \$26 =	0	OR	X \$ =
	Independent (37 CFR 1.16(h))	* 4	Minus	***3	= 1	X \$110 =	110	OR	X \$ =
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))							OR	
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR	
					TOTAL ADD'L FEE	110	OR	TOTAL ADD'L FEE	

APPLICATION AS AMENDED – PART II					OTHER THAN SMALL ENTITY				
	(Column 1)	(Column 2)	(Column 3)						
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =	OR	X \$ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =	OR	X \$ =	
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))							OR	
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR	
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
 /JOSEPHINE DOUGLAS/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
10/643,516 08/19/2003 J. David Payne 57442/03-533 4504

22206 7590 06/01/2009
FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA, OK 74103-3318

EXAMINER

TRAN, NGHI V

ART UNIT PAPER NUMBER

2451

MAIL DATE DELIVERY MODE

06/01/2009

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.

DETAILED ACTION

1. This office action is in response to the amendment filed on February 04, 2009. Claims 1-2, 6-7, and 9-11 have been amended. Claims 5 and 12-16 have been canceled. Claims 17-20 have been added. Therefore, claims 1-4, 6-11, and 17-20 are presented for further examination.

Claim Rejections - 35 USC § 103

2. 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.

3. Claims 1, 3-4, 7, 9-11, 17-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters et al., United States Patent Number 5,842,195 (hereinafter Peters, in view of Munyer, United States Patent Application Publication Number 2002/0143610 (hereinafter Munyer).

4. With respect to claims 1, 7, 9-11, 17-19, and 21, Peters teaches a method for managing data [see abstract] including the steps of:

Art Unit: 2451

- (a) creating a questionnaire [= construct a survey questionnaire document, col.2, ll.66-67] comprising a series of questions [= branched-to-questions, col.5, ll.49 through col.6, ll.30] [see fig.1 and fig.13];
- (b) transmitting said designed questionnaire to a remote computing device [col.6, ll.40-52];
- (c) executing said transferred questionnaire on said communication networked computer, thereby collecting responses from the user [fig.13 and col.21, ll.59 through col.23, ll.29];
- (d) automatically transferring via the communication network any responses so collected to a central computer [= collator collects all the response survey, step 106, 108, and 110] [fig.13]; and,
- (e) making available in a database [= database 102] any responses transferred to said central computer in step (d) [fig.13].

However, Peters does not explicitly show tokenizing said questionnaire for reducing bandwidth requirements ; terminating said first network connection with said remote computing device; after said first 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 network connection between said remote computing device and a server; and after said second network connection is established, transmitting at least portion of said response from the user to said server via said second network connection.

Art Unit: 2451

In a managing data method, Munyer discloses tokenizing said questionnaire for reducing bandwidth requirements; terminating said first network connection with said remote computing device; after said first 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 network connection between said remote computing device and a server; and after said second network connection is established, transmitting at least portion of said response from the user to said server via said second network connection [paragraphs 0024, 0029-0030, 0046, 0047, 0048, 0052, and 0054].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Peters in view of Munyer by terminating and establishing connection between said remote computing device and first computers and/or server because this feature is a very high level of voter confidence [Munyer, paragraph 0010]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to have recounts that are fair and accurate [Munyer, paragraph 0010].

5. With respect to claim 3, Peters further teaches wherein step (a) includes the substeps of: (a) creating a questionnaire [= authoring/creating survey] by:

(i) entering a series of questions into a questionnaire design computer program [fig.2];

(ii) identifying within said questionnaire design computer program the type of response allowed for each question of said series of questions [figs.11-12]; 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 [= branched-to-questions, col.5, ll.49 through col.6, ll.30 [fig.1 and 13].

6. With respect to claim 4, Peters does not explicitly show (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.

In a managing data method, Munyer discloses (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 [paragraphs 0024, 0029-0030, 0046, 0047, 0048, 0052, and 0054].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Peters in view of Munyer by terminating and establishing connection between said remote computing device and first computers and/or server because this feature is a very high level of voter confidence [Munyer, paragraph 0010]. It is for this reason that one of ordinary skill in the art at the time of

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the invention would have been motivated in order to have recounts that are fair and accurate [Munyer, paragraph 0010].

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peters in view of Munyer, as applied to claim 1 above, and further in view of Brookler et al., United States Patent Application Publication Number 2002/0007303 (hereinafter Brookler).

8. With respect to claim 2, Peters does not explicitly show the step of: (g) translating said response to a format recognizable by a particular computer program; and (h) accessing the translated response from a computer executing said particular computer program.

In a method for managing data, Brookler suggests the step of: (g) translating said response to a format recognizable [= markup language translation layer **96**] by a particular computer program [paragraphs 0072-0083]; and (h) accessing the translated response from a computer executing said particular computer program [paragraphs 0028-0033 and 0050-0059 and fig.1 and fig.3].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Peters in view of Munyer, and further in view of Brookler by accessing a translated response to a format recognizable by a particular computer program because this feature may participate in the survey regardless of the means by which they choose to connect to the network [Brookler, paragraph 0003]. It is

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for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to allow some retroactive compatibility with older versions of web browsers [Brookler, paragraph 0056].

9. Claims 6 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters in view of Munyer, as applied in claims 1 and 17 above, and further in view of Gresham, United States Patent Application Publication Number 2002/0160773 (hereinafter Gresham).

10. With respect to claims 6 and 20, Brookler teaches a method for managing data transfers between computers [see abstract and fig.1] including the steps of:

(a) creating a questionnaire [= create surveys, step 1] at a first site [= surveyors **16, 18, and 20**] in a first computer [= PC **20**] located at a second site [fig.1], said first site and said second site being connected by a loose network [= WAP, SMS, Palm OS, fig.6];

(b) transmitting said question to a remote computer [= respondents/users] via said network, said remote computer running an OIS [= cell phone **16**, palm OS **18**];

(c) modifying said questionnaire at a third site in said first computer located at said second site [= responses, step 3]; and

(d) transmitting said responses from said first computer to said remote computer via said loose network [fig.1];

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(e) modifying said questionnaire in said remote computer with said response [paragraphs 0069].

However, Brookler does not explicitly show modifying with incremental changes.

In a wireless system, Gresham discloses modifying with incremental changes [= updating live data analysis, paragraph 0110 and fig.1].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Brookler in view of Gresham by modifying with incremental changes because this feature enables updating cache [Gresham, paragraph 0110]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to update within each page without having to reload all of each page [Gresham, paragraph 0110].

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peters in view of Munyer, as applied in claim 7 above, in view of Joao, U.S. Patent Application Publication No. 2001/0056374 (hereinafter Joao).

12. With respect to claim 8, Peters does not explicitly show assessing a charge for each transferred response received by said central computer.

In a method for collecting survey data, Joao discloses assessing a charge [i.e. compensation, rewards, rebates and/or incentives can be provided for viewing, reviewing, participating in and/or interacting with, the entire survey, poll and/or

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questionnaire, paragraph 0230] for each transferred response received by said central computer [paragraphs 0228-0037].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Peters in view of Munyer, and further in view of Joao by assessing a charge for each transferred response received by said central computer because this feature can receive compensation, a reward, a rebate, and/or an incentive [Joao, paragraph 0009]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to facilitate commerce between any parties and/or any number of parties [Joao, paragraph 0009].

Response to Arguments

13. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Thursday (9:30-8:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/John Follansbee/

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Supervisory Patent Examiner, Art Unit 2451

Notice of References Cited	Application/Control No. 10/643,516	Applicant(s)/Patent Under Reexamination PAYNE, J. DAVID	
	Examiner NGHI V. TRAN	Art Unit 2451	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,842,195	11-1998	Peters et al.	707/1
*	B	US-6,163,811	12-2000	Porter, Swain W.	709/247
*	C	US-2003/0093405	05-2003	Mayer, Yaron	707/1
*	D	US-7,310,350	12-2007	Shao et al.	370/466
*	E	US-2005/0009465	01-2005	Ross et al.	455/002.01
*	F	US-6,826,540	11-2004	Plantec et al.	705/10
*	G	US-2002/0107931	08-2002	Singh et al.	709/206
*	H	US-2001/0056374	12-2001	Joao, Raymond Anthony	705/14
*	I	US-2002/0007303	01-2002	Brookler et al.	705/10
*	J	US-2002/0160773	10-2002	Gresham et al.	455/431
*	K	US-2002/0143610	10-2002	Munyer, Robert E.	705/12
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	M	US-			

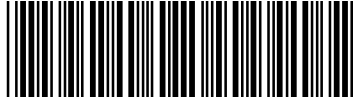
FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Index of Claims 	Application/Control No. 10643516	Applicant(s)/Patent Under Reexamination PAYNE, J. DAVID
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✓	Rejected
=	Allowed


-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

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

CLAIM		DATE							
Final	Original	07/24/2008	04/10/2009	04/13/2009					
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	18		✓	✓					
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	21		✓	✓					

Search Notes 	Application/Control No. 10643516	Applicant(s)/Patent Under Reexamination PAYNE, J. DAVID
	Examiner NGHI V TRAN	Art Unit 2451

SEARCHED			
Class	Subclass	Date	Examiner
709	203	04/13/2009	NT
709	223	04/13/2009	NT
709	224	04/13/2009	NT

SEARCH NOTES		
Search Notes	Date	Examiner
Update keyword search using EAST	04/10/2009	NT

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner
709	203	04/13/2009	NT
709	223	04/13/2009	NT
709	224	04/13/2009	NT

	Unified Patents <small>Patent No. 7,000,000</small>
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EAST Search History

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L5	0	(@ad<"20020819" or @rlad<"20020819") and ((question\$4 or survey) same (token\$2 or encryp \$4) same (server\$2 or terminal\$2 or PC\$2 or computer\$2) same (user\$2 or client\$2 or PDA\$2)) same (off\$1line\$2 or offline\$2 or (off\$2 adj3 line\$2)) same (interact\$4 with (survey or question\$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/05/06 12:16
L6	0	(@ad<"20020819" or @rlad<"20020819") and ((question\$4 or survey) same (token\$4 or encryp \$4) same (server\$2 or terminal\$2 or PC\$2 or computer\$2) same (user\$2 or client\$2 or PDA\$2)) same (off\$1line\$2 or offline\$2 or (off\$2 adj3 line\$2)) same (interact\$4 with (survey or question\$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/05/06 12:17
L7	0	(@ad<"20020819" or @rlad<"20020819") and ((question\$4 or survey) same (token\$4 or encrypt \$4) same (server\$2 or terminal\$2 or PC\$2 or computer\$2) same (user\$2 or client\$2 or PDA\$2)) same (off\$1line\$2 or offline\$2 or (off\$2 adj3 line\$2)) same (interact\$4 with (survey or question\$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/05/06 12:17
L8	4	(@ad<"20020819" or @rlad<"20020819") and ((question\$4 or survey) same (token\$4 or encrypt \$4) same (server\$2 or terminal\$2 or PC\$2 or computer\$2) same (user\$2 or client\$2 or PDA\$2)) same (off\$1line\$2 or offline\$2 or (off\$2 adj3 line\$2))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/05/06 12:18

L9	4	(@ad<"20020819" or @rlad<"20020819") and ((question\$4 or survey) same (token\$4 or encrypt \$4) same (server\$2 or terminal\$2 or PC\$2 or computer\$2) same (user\$2 or client\$2 or PDA\$2) same (off\$1line\$2 or offline\$2 or (off\$2 adj3 line\$2)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/05/06 12:21
L10	1	(@ad<"20020819" or @rlad<"20020819") and ((question\$4 or survey) same (token\$4) same (server\$2 or terminal\$2 or PC\$2 or computer\$2) same (user\$2 or client\$2 or PDA \$2)) same (off\$1line\$2 or offline\$2 or (off\$2 adj3 line \$2))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/05/06 12:22
L11	152	(@ad<"20020819" or @rlad<"20020819") and ((question\$4 or survey) same (server\$2 or terminal \$2 or PC\$2 or computer\$2) same (user\$2 or client\$2 or PDA\$2)) same (off\$1line\$2 or offline\$2 or (off\$2 adj3 line\$2))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/05/06 12:24
L12	21	(@ad<"20020819" or @rlad<"20020819") and ((question\$4 or survey) with token\$2) and ((server \$2 or terminal\$2 or PC\$2 or computer\$2) same (user\$2 or client\$2 or PDA\$2)) same (off\$1line\$2 or offline\$2 or (off\$2 adj3 line\$2))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/05/06 12:25

5/ 6/ 2009 12:33:11 PM

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	873	(@ad<"20060630" or @rlad<"20060630") and (709/206.ccls. or IM\$2 or (short\$2 adj3 message\$2) or SMS\$2 or (instan\$3 adj3 message\$2)) and (((parent \$2 adj3 control\$4) or authorit\$4 or approv\$4) same (block\$4 or filter\$4) same (predetermin\$4 or interval or time\$2))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/04/13 16:45
L2	29	(@ad<"20060630" or @rlad<"20060630") and (709/206.ccls. or IM\$2 or (short\$2 adj3 message\$2) or SMS\$2 or (instan\$3 adj3 message\$2)) and (((parent \$2 adj3 control\$4) or authorit\$4 or approv\$4) same (block\$4 or filter\$4) same (predetermin\$4 with time\$2))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/04/13 16:46

4/ 13/ 2009 4:50:18 PM

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES	Docket Number (Optional) 57442/03-533
--	--

I hereby certify that this correspondence is being facsimile transmitted to the USPTO, filed via EFS Web, or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] On <u>December 1, 2009</u> Signature <u>Jamie A. Robinson</u> Typed or printed name <u>Jamie A. Robinson</u>	In re Application of <u>Payne</u> <hr/> Application Number <u>10/643,516</u> Filed <u>08/19/2003</u> <hr/> For <u>SYSTEM AND METHOD FOR DATA MANAGEMENT</u> <hr/> Art Unit <u>2151</u> Examiner <u>Nghi V. Tran</u>
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Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 540.00

Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ 270.00

A check in the amount of the fee is enclosed.

Payment by credit card via EFS Web.

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

The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 060540.

A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

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

I am the

applicant/inventor.

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

attorney or agent of record.
Registration number 35422

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

Scott R. Zingerman
Signature

Scott R. Zingerman
Typed or printed name

918/599-0621
Telephone number

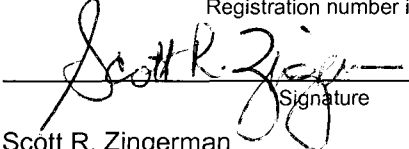
December 1, 2009
Date

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

*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2009 <i>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</i>		Docket Number (Optional) 57442/03-533	
Application Number 10/643,516		Filed 08/19/2003	
For SYSTEM AND METHOD FOR DATA MANAGEMENT			
Art Unit 2151		Examiner Nghi V. Tran	
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.			
The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):			
	<u>Fee</u>	<u>Small Entity Fee</u>	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ 130	\$ 65	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ 490	\$ 245	\$ _____
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$ 1,110	\$ 555	\$ <u>555.00</u>
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$ 1,730	\$ 865	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$ 2,350	\$ 1,175	\$ _____
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.			
<input type="checkbox"/> A check in the amount of the fee is enclosed.			
<input checked="" type="checkbox"/> Payment by credit card via EFS Web.			
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>06-0540</u> .			
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
I am the <input type="checkbox"/> applicant/inventor.			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).			
<input checked="" type="checkbox"/> attorney or agent of record. Registration Number <u>35422</u>			
<input type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____.			
 _____ Signature		<u>December 1, 2009</u> _____ Date	
Scott R. Zingerman _____ Typed or printed name		918/599-0621 _____ Telephone Number	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted.			

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

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

Electronic Patent Application Fee Transmittal

Application Number:	10643516
Filing Date:	19-Aug-2003
Title of Invention:	System and method for data management
First Named Inventor/Applicant Name:	J. David Payne
Filer:	Scott R. Zingerman/Jamie Robinson
Attorney Docket Number:	57442/03-533

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Notice of appeal	2401	1	270	270

Post-Allowance-and-Post-Issuance:

Extension-of-Time:

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 3 months with \$0 paid	2253	1	555	555
Miscellaneous:				
Total in USD (\$)				825

Electronic Acknowledgement Receipt

EFS ID:	6550184
Application Number:	10643516
International Application Number:	
Confirmation Number:	4504
Title of Invention:	System and method for data management
First Named Inventor/Applicant Name:	J. David Payne
Customer Number:	22206
Filer:	Scott R. Zingerman/Jamie Robinson
Filer Authorized By:	Scott R. Zingerman
Attorney Docket Number:	57442/03-533
Receipt Date:	01-DEC-2009
Filing Date:	19-AUG-2003
Time Stamp:	16:35:28
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$825
RAM confirmation Number	3000
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi-Part (.zip)	Pages (if appl.)
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Unified Patents
Exhibit 1003

1	Notice of Appeal Filed	NoticeOfAppeal12-01-2009.pdf	25321 fba2bc879fbd639938fd9d64fb0c1424eee5bb98	no	1
Warnings:					
Information:					
2	Extension of Time	PetitionForExtensionOfTime12-01-2009.pdf	25874 d1bac14cc15a0b72c941921d1104dacd73bb74b	no	1
Warnings:					
Information:					
3	Fee Worksheet (PTO-875)	fee-info.pdf	31822 da88b50181b9d8d428fbd0b6925e4cce345e255	no	2
Warnings:					
Information:					
Total Files Size (in bytes):				83017	

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.

**REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)**

Application Number	10643516	Filing Date	2003-08-19	Docket Number (if applicable)	57442/03-533	Art Unit	2151
First Named Inventor	PAYNE			Examiner Name	Nghị V. Tran		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

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

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

Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

Other _____

Enclosed

Amendment/Reply

Information Disclosure Statement (IDS)

Affidavit(s)/ Declaration(s)

Other _____

MISCELLANEOUS

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

Other _____

FEES

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

The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 06-0540

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Patent Practitioner Signature

Applicant Signature

Signature of Registered U.S. Patent Practitioner			
Signature	/scott r. zingerman/	Date (YYYY-MM-DD)	2010-05-03
Name	Scott R. ZINGERMAN	Registration Number	35422

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

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

Privacy Act Statement

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

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): J David Payne	Confirmation No.: 4504
Application No.: 10/643,516	Art Unit: 2151
Filed: 08/19/2003	Examiner: Nghi V. Tran
Title: SYSTEM AND METHOD FOR DATA MANAGEMENT	
Attorney Docket No.: 57442/03-533	

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

AMENDMENT ACCOMPANYING RCE

This paper is filed in response to the *final* Office Action and accompanies the filing of a Request for Continued Examination (RCE) in connection with the above-identified case. A charge to a credit card will be authorized through EFS Web filing to cover the RCE filing fee, and if required, any extension of time fees. If it is determined that any additional fees, including extension of time fees or additional claim fees, must accompany this filing, please consider this our authorization to charge the deposit account of the undersigned, Deposit Account 06-0540, therefor. Finally, and only if necessary, please consider the instant filing to be a Petition for a 3-Month Extension of Time to Respond.

Please amend the application as follows:

In the claims:

In response to the *final* Official Action and in accordance with 37 CFR 1.121(c), please enter the following rewritten claims. This listing of claims will replace all prior versions and listings of the claims in this application.

New claims 22-24 have been added.

1. (*Currently Amended*) 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. (*Previously Presented*) 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. (*Original*) 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. *(Original)* 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. *(Canceled)*

- 6. *(Previously Presented)* 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.
7. (Currently Amended) A method for collecting survey data from a user comprising:
- (a) designing a questionnaire having branching logic on a first computer platform;
 - (b) automatically transferring said designed questionnaire to at least one loosely networked computer;
 - (c) executing said transferred questionnaire on said loosely networked computer, thereby collecting responses from the user wherein said responses include at least one measured variable;
 - (d) automatically transferring from said loosely networked computer to a central computer any responses so collected; and,
 - (e) making available in a database any responses transferred to said central computer in step (d).
8. (*Original*) The method for collecting survey data according to claim 7 further comprising:
- (a) assessing a charge for each transferred response received by said central computer.

9. *(Currently Amended)* 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.
10. *(Previously Presented)* The method for managing data transfers between computers according to claim 9 wherein said first computer and said second computer are a same computer.
11. *(Previously Presented)* The method for managing data transfers between computers according to claim 10 wherein said server and said first computer are said same computer.

Claims 12 – 16 (*Canceled*)

17. (*Previously Presented*) 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.
18. *(Previously Presented)* A method for collecting survey data from a user according to claim 17, wherein step (j) comprises the step of printing a report from any of said response to transmitted.
19. *(Previously Presented)* A method for collecting survey data from a user according to claim 17, wherein said first computer and said second computer are a same computer.
20. *(Previously Presented)* A method for modifying a questionnaire used in data management according to the method of claim 17, 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.
21. *(Currently Amended)* 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.
22. *(New)* 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.
23. *(New)* The method of claim 7, wherein said at least one measured variable is collected from an environmental sensor.
24. *(New)* The method of claim 7, wherein said at least one environmental variable is automatically collected from an environmental sensor.

REMARKS

Claims 1-4, 6-11, and 17-21 are pending in the present Application. In the *final* Office Action claims 1-4, 6-11, and 17-21 are rejected. By way of this Amendment, claim 7 has been canceled and claim 8 has been amended to depend from claim 17. New claims 22 – 24 have been added. Accordingly, reconsideration and allowance of claims 1-4, 6, 8-11 and 17-24 is respectfully requested.

Claim Rejections - 35 USC § 103

Claims **1, 3-4, 7, 9-11, 17-19, and 21** stand rejected in the *final* Office Action under 35 USC 103(a) as being unpatentable over Peters et al., USPN 5,842,195 (hereinafter “the Peters Reference”) in view of Munyer, United States Patent Application Publication Number 2002/0143610 (hereinafter “the Munyer Reference”). Reconsideration is respectfully requested.

With regard to claims 1, 7, 9-11, 17-19, and 21, it is asserted in the *final* Office Action that the Peters Reference does not show tokenizing the questionnaire, terminating said first network; terminating said first network connection with said remote computing device; after said first 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 network connection between said remote computing device and a server; and after said second network connection is established, transmitting at least portion of said response from the user to said server via said second network connection but the Munyer

Reference is said to disclose these aspects [paragraphs 0024, 0029-0030, 0046, 0047, 0048, 0052, and 0054].

With specific regard to claim 1, Applicant respectfully disagrees. Specifically, the Munyer Reference does not disclose, teach, or suggest “tokenizing said questionnaire” as recited in claim 1 as asserted in the Office Action. Applicant wishes to clarify that claim 1 does not recite tokenizing said questionnaire “for reducing bandwidth requirements” as is asserted in the Office Action. Although this may be one benefit, other reasons exist for tokenizing. As asserted in Applicant’s Specification, paragraphs [0028] and [0029], other benefits of tokenizing are that it allows the process to be “device indifferent” (see also paragraph [0047]) and allows for data security (paragraph [0074]). None of these are disclosed in the Munyer Reference.

In addition, Applicant’s claim 1 recites in step (d) “transmitting said plurality of tokens to a remote computing device.” Applicant points out that this step is not asserted to be disclosed in the Peters Reference in the Office Action, nor is it asserted to be disclosed in the Munyer Reference. Applicant submits that the Munyer Reference does not disclose or teach this recitation. In the Munyer process, the voter ballot is already contained on the PDA which is handed to the voter. No data or information, which would include tokens (though Munyer does not tokenize) are transmitted to the remote computing device.

Finally, Applicant’s claim 1 has been amended herein to recite first and second *wireless modem or wireless LAN* network connections. Support for this amendment can be found in Applicant’s Specification, paragraph [0046]. Neither the Peters Reference nor the Munyer Reference disclose or teach a wireless modem or wireless LAN network connection.

In light of the above, the rejection of claim 1 in the Office Action under 35 U.S.C. § 103 is overcome. Reconsideration and allowance of claim 1 is respectfully requested.

Claim 3 depends from claim 1 and is allowable at least for the reasons set forth above with regard to claim 1. Reconsideration and allowance of claim 3 is respectfully requested.

Claim 4 depends from claim 1 and is allowable at least for the reasons set forth above with regard to claim 1. In addition, as stated above, Applicant respectfully submits that the Munyer Reference does not teach: (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 anywhere in paragraphs 0024, 0029-0030, 0046 0047 0048, 0052, and 0054 as is asserted in the Office Action. In light of the above reasons, reconsideration and allowance of claim 4 is respectfully requested.

Claim 7 has been amended herein to recite “wherein said responses include at least one measured variable.” Support for this amendment can be found in Applicant’s Specification, paragraph [0068]. Neither the Peters Reference, nor the Munyer Reference disclose a system for including responses having measured variables. In light of the amendment to claim 7, the rejection is overcome. Reconsideration and allowance of claim 7, as amended, is respectfully requested.

Claim 9 recites in step (d) “transmitting said tokenized questionnaire to said remote computer.” Applicant points out that this step is not asserted to be disclosed in the Peters

Reference in the Office Action, nor is it asserted to be disclosed in the Munyer Reference. Applicant submits that the Munyer Reference does not disclose or teach this recitation. In the Munyer process, the voter ballot is already contained on the PDA which is handed to the voter. No data or information, which would include tokens (though Munyer does not tokenize) are transmitted to the remote computing device.

In addition, claim 9 has been amended herein to recite “performing at least steps (d) – (p) using at least two different remote computing device types using the same tokens.” Support for this amendment can be found in Applicant’s Specification, paragraphs [0028], [0029] and [0047]. Neither the Peters Reference, nor the Munyer Reference disclose or teach tokenizing. In addition, neither reference discloses or teaches tokenizing so as to be device indifferent. Moreover, neither reference discloses or teaches using two different remote computing device type using the same tokens as recited in Applicant’s amended claim 9.

For the above reasons, the rejection in the *final* Office Action of claim 9 is overcome. Reconsideration and allowance of claim 9, as amended, is respectfully requested.

Claim 17 recites in step (e) “transmitting said plurality of tokens to said handheld remote computing device.” Applicant points out that this step is not asserted to be disclosed in the Peters Reference in the Office Action, nor is it asserted to be disclosed in the Munyer Reference. Applicant submits that the Munyer Reference does not disclose or teach this recitation. In the Munyer process, the voter ballot is already contained on the PDA which is handed to the voter. No data or information, which would include tokens (though Munyer does not tokenize) are transmitted to the remote computing device.

In addition, claim 17 recites in step (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.” Neither the Peters Reference nor the Munyer Reference disclose this step. First, the Peters Reference does not disclose tokenizing or the use of handheld devices. Next, as stated above, the Munyer Reference does not disclose tokenizing. The questionnaire (the ballot) is stored on the PDA. Munyer does not disclose, teach or suggest that the ballot is transmitted in tokenized form to the PDA.

For the above reasons, the rejection in the *final* Office Action of claim 17 is overcome. Reconsideration and allowance of claim 17 is respectfully requested.

Claim **21** depends from claim 1. Claim 21 has been amended herein to conform with claim 1. Claim 21 is allowable at least for the reasons set forth above with regard to claim 1. Reconsideration and allowance of claim 21 is respectfully requested.

In the *final* Office Action, claim **2** stands rejected under 35 USC 103(a) as being unpatentable over the Peters Reference in view of the Munyer Reference, as applied to claim 1, and further in view of Brookler et al., United States Patent Application Publication Number 2002/0007303 (hereinafter “the Brookler Reference”).

Claim 2 depends from claim 1 and includes all of the limitations of claim 1. As a result, claim 2 is allowable at least for the reasons set forth above with regard to claim 1, as amended. Reconsideration and allowance of claim 2 is respectfully requested.

In the *final* Office Action, claims **6** and **20** stand rejected under 35 USC 103(a) as being unpatentable over the Peters Reference in view of the Munyer Reference, as applied to claim 1,

and further in view of Gresham, United States Patent Application Publication Number 2002/0160773 (hereinafter “the Gresham Reference”). Reconsideration of claims 6 and 20 is respectfully requested.

Claim 6 depends from claim 1 and is allowable at least for the reasons set forth above with regard to claim 1. Claim 20 depends from claim 17 and is allowable at least for the reasons set forth above with regard to claim 17.

In addition, it is asserted in the Office Action that the Gresham reference discloses connection by a “loose network” and transmitting said responses via said “loose network.” As Applicant has consistently maintained, Gresham does not disclose a “loose network” as recited in Applicant’s claims 6 and 20. Accordingly, for the reasons set forth herein, reconsideration and allowance of claims 6 and 20 is respectfully requested.

Claim 8 stands rejected In the *final* Office Action under 35 USC 103(a) as being unpatentable over the Peters Reference in view of the Munyer Reference, as applied to claim 7, and further in view of Joao, United States Patent Application Publication Number 2001/0056374 (hereinafter “the Joao Reference”).

Claim 8 depends from claim 7. Applicant respectfully submits that claim 8 is allowable at least for the reasons set forth above with regard to claim 7. Reconsideration and allowance of claim 8 is respectfully requested.

New claims 22-24 have been added. Support for new claim 22 can be found in Applicant’s Specification, paragraphs [0028], [0029] and [0047]. Neither the Peters Reference, nor the Munyer Reference disclose or teach tokenizing. In addition, neither reference discloses

or teaches tokenizing so as to be device indifferent. Moreover, neither reference discloses or teaches using two different remote computing device type using the same tokens as recited in Applicant's amended claim 9.

Support for new claims 23 and 24 can be found in Applicant's Specification, paragraph [0068]. Neither the Peters Reference, nor the Munyer Reference disclose a system for including responses having measured variables. In light of the amendment to claim 7, the rejection is overcome. Reconsideration and allowance of claim 7, as amended, is respectfully requested.

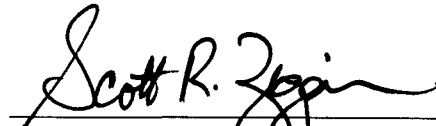
Conclusion

This paper is intended to constitute a complete response to the Examiner's *final* Office Action. Please contact the undersigned if it appears that a portion of this response is missing or if there remain any additional matters to resolve. If the Examiner feels that processing of the application can be expedited in any respect by a personal conference, please consider this an invitation to contact the undersigned by phone.

**PATENT
AMENDMENT ACCOMPANYING RCE
APPLICATION NO. 10/643,516
ATTORNEY DOCKET NO. 57442/03-533
ART GROUP 2151
Page 18 of 18**

Respectfully submitted,

Date: May 3, 2010



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#508281 v1

Electronic Patent Application Fee Transmittal

Application Number:	10643516
Filing Date:	19-Aug-2003
Title of Invention:	System and method for data management
First Named Inventor/Applicant Name:	J. David Payne
Filer:	Scott R. Zingerman/Jamie Robinson
Attorney Docket Number:	57442/03-533

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with \$0 paid	2253	1		

Unified Patents
 555 Exhibit 1003 555

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Request for continued examination	2801	1	405	405
Total in USD (\$)				960

Electronic Acknowledgement Receipt

EFS ID:	7542448
Application Number:	10643516
International Application Number:	
Confirmation Number:	4504
Title of Invention:	System and method for data management
First Named Inventor/Applicant Name:	J. David Payne
Customer Number:	22206
Filer:	Scott R. Zingerman/Jamie Robinson
Filer Authorized By:	Scott R. Zingerman
Attorney Docket Number:	57442/03-533
Receipt Date:	03-MAY-2010
Filing Date:	19-AUG-2003
Time Stamp:	21:56:25
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
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Exhibit 1003

1	Request for Continued Examination (RCE)	RCE_05-03-2010.pdf	697403	no	3
			26894b6dfb913d919ec87f0b1ef8e6711db3efd4		
Warnings:					
Information:					
2	Amendment Submitted/Entered with Filing of CPA/RCE	ScannedAmendmentResponse ForRCE05-03-2010.pdf	192804	no	18
			61a8f086a53a04443bbe389da24c9e0ef9703762		
Warnings:					
Information:					
3	Fee Worksheet (PTO-875)	fee-info.pdf	31988	no	2
			efb9fa42e1cc669d7eaf8949e802ec9a72fe9fff		
Warnings:					
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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.

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 10/643,516	Filing Date 08/19/2003	<input type="checkbox"/> To be Mailed
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APPLICATION AS FILED – PART I			OTHER THAN SMALL ENTITY				
	(Column 1)	(Column 2)	SMALL ENTITY <input checked="" type="checkbox"/>	OR			
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)
<input type="checkbox"/> BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small>	N/A	N/A	N/A			N/A	
<input type="checkbox"/> SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small>	N/A	N/A	N/A			N/A	
<input type="checkbox"/> EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small>	N/A	N/A	N/A			N/A	
TOTAL CLAIMS <small>(37 CFR 1.16(i))</small>	minus 20 =	*	X \$ =		OR	X \$ =	
INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small>	minus 3 =	*	X \$ =			X \$ =	
<input type="checkbox"/> APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small>	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT <small>(37 CFR 1.16(j))</small>							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II					OTHER THAN SMALL ENTITY				
	(Column 1)	(Column 2)	(Column 3)		SMALL ENTITY	OR			
AMENDMENT	05/03/2010	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
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	Independent (37 CFR 1.16(h))	* 4	Minus ***4	= 0	X \$110 =	0	OR	X \$ =	
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))								
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						OR		
					TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

	(Column 1)	(Column 2)	(Column 3)						
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus **	=	X \$ =		OR	X \$ =	
	Independent (37 CFR 1.16(h))	*	Minus ***	=	X \$ =		OR	X \$ =	
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))								
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						OR		
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Legal Instrument Examiner:
 /SHERRY A. DAVIS/

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FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)
<input type="checkbox"/> BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small>	N/A	N/A	N/A			N/A	
<input type="checkbox"/> SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small>	N/A	N/A	N/A			N/A	
<input type="checkbox"/> EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small>	N/A	N/A	N/A			N/A	
TOTAL CLAIMS <small>(37 CFR 1.16(i))</small>	minus 20 =	*	X \$ =		OR	X \$ =	
INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small>	minus 3 =	*	X \$ =			X \$ =	
<input type="checkbox"/> APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small>	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
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APPLICATION AS AMENDED – PART II					OTHER THAN SMALL ENTITY				
	(Column 1)	(Column 2)	(Column 3)		SMALL ENTITY	OR			
AMENDMENT	05/03/2010	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	Total <small>(37 CFR 1.16(i))</small>	* 18	Minus ** 20	= 0	X \$26 =	0	OR	X \$ =	
	Independent <small>(37 CFR 1.16(h))</small>	* 4	Minus ***4	= 0	X \$110 =	0	OR	X \$ =	
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>								
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>						OR		
					TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

APPLICATION AS AMENDED – PART II					OTHER THAN SMALL ENTITY				
	(Column 1)	(Column 2)	(Column 3)		SMALL ENTITY	OR			
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	Total <small>(37 CFR 1.16(i))</small>	*	Minus **	=	X \$ =		OR	X \$ =	
	Independent <small>(37 CFR 1.16(h))</small>	*	Minus ***	=	X \$ =		OR	X \$ =	
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>								
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>						OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

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 /SHERRY A. DAVIS/

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2451
DATE MAILED: 09/07/2010

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.

10/643,516 08/19/2003 J. David Payne 57442/03-533 4504

TITLE OF INVENTION: SYSTEM AND METHOD FOR DATA MANAGEMENT

Table with 7 columns: APPLN. TYPE, SMALL ENTITY, ISSUE FEE DUE, PUBLICATION FEE DUE, PREV. PAID ISSUE FEE, TOTAL FEE(S) DUE, DATE DUE

nonprovisional YES \$755 \$300 \$0 \$1055 12/07/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

22206 7590 09/07/2010

**FELLERS SNIDER BLANKENSHIP
 BAILEY & TIPPENS
 THE KENNEDY BUILDING
 321 SOUTH BOSTON SUITE 800
 TULSA, OK 74103-3318**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,516	08/19/2003	J. David Payne	57442/03-533	4504

TITLE OF INVENTION: SYSTEM AND METHOD FOR DATA MANAGEMENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	12/07/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
TRAN, NGH V	2451	709-203000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

"Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE _____ (B) RESIDENCE: (CITY AND STATE OR COUNTRY) _____

Please check the appropriate assignee category or categories (will not be printed on the patent) : Individual Corporation or other private group entity Government

4a. The following fee(s) are submitted:

Issue Fee

Publication Fee (No small entity discount permitted)

Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

A check is enclosed.

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

The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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

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10/643,516 08/19/2003 J. David Payne 57442/03-533 4504

22206 7590 09/07/2010
FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA, OK 74103-3318

Table with 2 columns: EXAMINER, ART UNIT, PAPER NUMBER
EXAMINER: TRAN, NGHI V
ART UNIT: 2451
PAPER NUMBER: DATE MAILED: 09/07/2010

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 213 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 213 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.	Applicant(s)	
10/643,516	PAYNE, J. DAVID	
Examiner	Art Unit	
NGHI V. TRAN	2451	

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

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to May 03, 2010.
2. The allowed claim(s) is/are 1-4, 6, 9-11, and 17-22.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>01/30/2008</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Scott R. Zingerman (Reg No. 35,422) on August 27, 2010.

3. The application has been amended as follows:

Claims 7-8 and 23-24

Please cancel claims 7-8 and 23-24

Allowable Subject Matter

4. Claims 1-4, 6, 9-11, and 17-22 are allowed.

5. The following is an examiner's statement of reasons for allowance:

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

Art Unit: 2451

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.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone

Art Unit: 2451

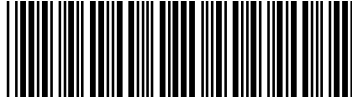
number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Nghi V. Tran/
Patent Examiner
Art Unit 2451

/Khanh Q Dinh/

Primary Examiner, Art Unit 2451

Index of Claims 	Application/Control No. 10643516	Applicant(s)/Patent Under Reexamination PAYNE, J. DAVID
	Examiner NGHI V TRAN	Art Unit 2451

✓	Rejected
=	Allowed


-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

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


CLAIM		DATE							
Final	Original	07/24/2008	04/10/2009	04/13/2009	08/26/2010				
1	1	✓	✓	✓	=				
2	2	✓	✓	✓	=				
3	3	✓	✓	✓	=				
4	4	✓	✓	✓	=				
-	5	✓	-	-	-				
5	6	✓	✓	✓	=				
-	7	✓	✓	✓	-				
-	8	✓	✓	✓	-				
8	9	✓	✓	✓	=				
9	10	✓	✓	✓	=				
10	11	✓	✓	✓	=				
-	12	✓	-	-	-				
-	13	✓	-	-	-				
-	14	✓	-	-	-				
-	15	✓	-	-	-				
-	16	✓	-	-	-				
11	17		✓	✓	=				
12	18		✓	✓	=				
13	19		✓	✓	=				
14	20		✓	✓	=				
6	21		✓	✓	=				
7	22				=				
-	23				-				
-	24				-				

Issue Classification 	Application/Control No. 10643516	Applicant(s)/Patent Under Reexamination PAYNE, J. DAVID
	Examiner NGHI V TRAN	Art Unit 2451

ORIGINAL				INTERNATIONAL CLASSIFICATION									
CLASS		SUBCLASS		CLAIMED				NON-CLAIMED					
709		206		G	0	6	F	15 / 173 (2006.01.01)					
CROSS REFERENCE(S)													
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)												
709	203	224											

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant																<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47	
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original						
1	1	11	17																		
2	2	12	18																		
3	3	13	19																		
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/NGHI V TRAN/ Examiner.Art Unit 2451 (Assistant Examiner)	08/30/2010 (Date)	Total Claims Allowed: 14	
/Khanh Q Dinh/ Primary Examiner.Art Unit 2451 (Primary Examiner)	08/30/2010 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 1&5

Search Notes 	Application/Control No. 10643516	Applicant(s)/Patent Under Reexamination PAYNE, J. DAVID
	Examiner NGHI V TRAN	Art Unit 2451

SEARCHED			
Class	Subclass	Date	Examiner
709	203	08/26/2010	NT
709	223	08/26/2010	NT
709	224	08/26/2010	NT

SEARCH NOTES		
Search Notes	Date	Examiner
Update keyword search using EAST	08/26/2010	NT
Consulting with Primary Phillip Tran and Dai Phuon, class 455, regarding allowancecg	08/26/2010	NT

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner
709	203	08/26/2010	NT
709	223	08/26/2010	NT
709	224	08/26/2010	NT

	Unified Patents <small>Patent No. 100826</small>
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Substitute for form 1449A/PTO SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)			Complete if Known	
			Application Number	10/643,516
			Filing Date	08/19/2003
			First Named Inventor	Payne
			Art Unit	2151
			Examiner Name	Nghi V. Tran
Sheet	1	of		2
			Attorney Docket Number	57442/03-533

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)				
/N.T./	A	US-5842195		11/24/1998	Graham, et al.	
		US-				
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FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)					
/N.T./	B	WO 01/84433 A		11/8/2001	Mobliss, Inc.		

Examiner Signature	/Nghi Tran/	Date Considered	08/30/2010
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449B/PTO SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Complete if Known			
		Application Number	10/643,516		
		Filing Date	08/19/2003		
		First Named Inventor	Payne		
		Art Unit	2151		
Examiner Name	Nghi V. Tran				
Sheet	2	of	2	Attorney Docket Number	57442/03-533

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
/N.T./	C	PETSAS, ET AL., "WAP-Based personalised health care services"; Proceedings of the 23rd Annual International Conference of the IEEE Engineering in Medicine and Biology Society. 2001 Conference Proceedings. (EMBS) Istanbul, Turkey, Oct. 25-28, 2001, Annual International Conference of The IEEE Engineering in M. vo.l. 1 of 4, Conf. 23, 25 Oct. 2001 pgs. 3536-3539	
/N.T./	D	GIIRARDOT, M., ET AL., "Efficient Representation and Streaming of XML Content Over the Internet Medium", MULTIMEDIA AND EXPO, 2000. ICME 2000. 2000 IEEE INTERNATIONAL CONFERENCE ON NEW YROK, NY, USA, 30 July 2000, pgs. 67070	
/N.T./	E	ANONYMOUS; "WAP Binary XML Content Format", Internet Document [Online], 24 June 1999, pgs. 1-14	

Examiner Signature	/Nghi Tran/	Date Considered	08/30/2010
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.
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 #429377 v1.

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	428	"5842195" "5666553" "5684990" "5943676" "6141664" "6212529" "640218"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/08/30 09:47
L2	4	"20010056374"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/08/30 09:47
L3	432	L1 or L2	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/08/30 09:47
L4	24774893	(@ad<"20020101" or @rlad<"20020101")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/08/30 09:48
L5	330	L3 and L4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/08/30 09:49
L6	12028	L4 and (survey\$2 or vot\$4 or question\$4) and ((synchron \$6 or connect\$4) same (dis \$1connect\$4 or re\$1connect \$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/08/30 09:52
L7	968	L4 and (((synchron\$6 or connect\$4) same (dis \$1connect\$4 or re\$1connect \$4)) or creat\$4) with (survey \$2 or vot\$4 or question\$4 or poll\$4) and ((synchron\$6 or connect\$4) same (dis \$1connect\$4 or re\$1connect \$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/08/30 09:55

L8	8247	L4 and (((synchron\$6 or connect\$4) same (dis \$1connect\$4 or re\$1connect \$4)) or creat\$4) with (survey \$2 or vot\$4 or question\$4 or poll\$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/08/30 09:56
L9	454	L4 and (((synchron\$6 or connect\$4) same (dis \$1connect\$4 or re\$1connect \$4))) with (survey\$2 or vot\$4 or question\$4 or poll\$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/08/30 09:56
L10	8217	L4 and (((synchron\$6 or connect\$4) with (dis \$1connect\$4 or re\$1connect \$4)) or creat\$4) with (survey \$2 or vot\$4 or question\$4 or poll\$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/08/30 09:57
L11	0	L4 and (((synchron\$6 or connect\$4) same (dis \$1connect\$4 or re\$1connect \$4))) with (survey\$2 or vot\$4 or question\$4) and (PDA\$2 with cradle\$2)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/08/30 09:59
L12	7	L4 and ((synchron\$6 or connect\$4) same (dis \$1connect\$4 or re\$1connect \$4)) and (survey\$2 or vot\$4 or question\$4) and (PDA\$2 with cradle\$2)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/08/30 10:00

EAST Search History (I nterference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L13	5	(@ad<"20020101" or @rlad<"20020101") and ((synchron\$6 or connect\$4) same (dis\$1connect\$4 or re\$1connect \$4)) and (survey\$2 or vot\$4 or question\$4) and (PDA\$2 with cradle\$2)	USPAT; UPAD	OR	ON	2010/08/30 10:03
L14	322	(@ad<"20020101" or @rlad<"20020101") and (((synchron\$6 or connect\$4) same (dis\$1connect\$4 or re \$1connect\$4))) with (survey\$2 or vot\$4 or question\$4 or poll\$4))	USPAT; UPAD	OR	ON	2010/08/30 10:04

L15	651	(@ad<"20020101" or @rlad<"20020101") and (((synchron\$6 or connect\$4) same (dis\$1connect\$4 or re\$1connect\$4)) or creat\$4) with (survey\$2 or vot\$4 or question\$4 or poll\$4)) and ((synchron\$6 or connect\$4) same (dis\$1connect\$4 or re\$1connect\$4))	USPAT; UPAD	OR	ON	2010/08/30 10:04
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8/ 30/ 2010 10:05:26 AM

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

22206 7590 09/07/2010

FELLERS SNIDER BLANKENSHIP
 BAILEY & TIPPENS
 THE KENNEDY BUILDING
 321 SOUTH BOSTON SUITE 800
 TULSA, OK 74103-3318

Certificate of Mailing or Transmission
 I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Jamie A. Robinson	(Depositor's name)
<i>Jamie A. Robinson</i>	(Signature)
09/14/2010	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,516	08/19/2003	J. David Payne	57442/03-533	4504

TITLE OF INVENTION: SYSTEM AND METHOD FOR DATA MANAGEMENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	12/07/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
TRAN, NGH1 V	2451	709-203000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
 Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
 (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Fellers, Snider, Blankenship,
 Bailey & Tippens, P.C
 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)
 PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.
 (A) NAME OF ASSIGNEE: MACROSOLVE, INC.
 (B) RESIDENCE: (CITY and STATE OR COUNTRY) TULSA, OK, USA

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are submitted:
 Issue Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)
 A check is enclosed.
 Payment by credit card. XXXXXXXXXXXXXXXXXXXX via EFS Web
 The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)
 a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature: *Scott R. Zingerman* Date: 09/14/2010
 Typed or printed name: Scott R. Zingerman Registration No. 35422

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.
 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Electronic Patent Application Fee Transmittal

Application Number:	10643516
Filing Date:	19-Aug-2003
Title of Invention:	SYSTEM AND METHOD FOR DATA MANAGEMENT
First Named Inventor/Applicant Name:	J. David Payne
Filer:	Scott R. Zingerman/Jamie Robinson
Attorney Docket Number:	57442/03-533

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl issue fee	2501	1	755	755
Publ. Fee- early, voluntary, or normal	1504	1	300	300

Unified Patents
300 Exhibit 1003 300

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				1055

Electronic Acknowledgement Receipt

EFS ID:	8417742
Application Number:	10643516
International Application Number:	
Confirmation Number:	4504
Title of Invention:	SYSTEM AND METHOD FOR DATA MANAGEMENT
First Named Inventor/Applicant Name:	J. David Payne
Customer Number:	22206
Filer:	Scott R. Zingerman/Jamie Robinson
Filer Authorized By:	Scott R. Zingerman
Attorney Docket Number:	57442/03-533
Receipt Date:	14-SEP-2010
Filing Date:	19-AUG-2003
Time Stamp:	17:33:04
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$1055
RAM confirmation Number	4117
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi-Part (.zip)	Pages (if appl.)

1	Issue Fee Payment (PTO-85B)	SCANNEDFeeTransmittal.pdf	45125 c124b26f784f44c0a4384f56919151d6ceaf1c60	no	1
Warnings:					
Information:					
2	Fee Worksheet (PTO-875)	fee-info.pdf	31617 3e70555e64daa3bb65ae177968149eefde349cfa	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			76742		

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.



APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,516	10/26/2010	7822816	57442/03-533	4504

22206 7590 10/06/2010
 FELLERS SNIDER BLANKENSHIP
 BAILEY & TIPPENS
 THE KENNEDY BUILDING
 321 SOUTH BOSTON SUITE 800
 TULSA, OK 74103-3318

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
 (application filed on or after May 29, 2000)

The Patent Term Adjustment is 613 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

J. David Payne, Broken Arrow, OK;

Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 12/30/2010

THARGROV RF #30092179 Mailroom Dt: 12/30/2010 10643516

Credit Card Refund Total: \$555.00

American Express

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TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex. on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 6:11-cv-101	DATE FILED 3/4/2011	U.S. DISTRICT COURT E.D. Tex.
PLAINTIFF MACROSOLVE, INC.		DEFENDANT BRAZOS TECHNOLOGY CORPORATION, ET AL.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:11-cv-287	DATE FILED 6/6/11	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT ANTENNA SOFTWARE, INC., ET AL.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	Macrosolve, Inc. (Assignee of Record)
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY
	<input checked="" type="checkbox"/> Amendment <input checked="" type="checkbox"/> Answer <input checked="" type="checkbox"/> Cross Bill <input checked="" type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

<p>TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450</p>	<p>REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK</p>
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex. on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:11-cv-00523	DATE FILED 10/3/2011	U.S. DISTRICT COURT E.D. Tex.
PLAINTIFF MACROSOLVE, INC.		DEFENDANT WHOOOP, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:11-cv-694	DATE FILED 12/21/2011	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT UNITED AIR LINES, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 6:11-cv-693	DATE FILED 12/21/2011	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT TRAVELOCITY LP
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 6:11-cv-692	DATE FILED 12/21/2011	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT SOUTHWEST AIRLINES CO.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 6:11-cv-691	DATE FILED 12/21/2011	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT PRICELINE.COM INCORPORATED
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 6:11-cv-690	DATE FILED 12/21/2011	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT HOTELS.COM, L.P
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:11-cv-688	DATE FILED 12/21/2011	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT THE HERTZ CORPORATION
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY
	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:11-cv-687	DATE FILED 12/21/2011	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT CONTINENTAL AIRLINES, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:11-cv-686	DATE FILED 12/21/2011	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT AVIS RENT A CAR SYSTEM, LLC
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:11-cv-685	DATE FILED 12/21/2011	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT AMERICAN AIRLINES, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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TO: <p style="text-align: center;">Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450</p>	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court EASTERN DISTRICT OF TEXAS--TYLER DIVISION on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:11-CV-490	DATE FILED 9/15/2011	U.S. DISTRICT COURT EASTERN DISTRICT OF TEXAS--TYLER DIVISION
PLAINTIFF MACROSOLVE, INC.		DEFENDANT AT&T INC., et al.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:12-CV-48	DATE FILED 1/30/2012	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT Yelp! Inc..
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 6:12-CV-47	DATE FILED 1/30/2012	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT Wal-Mart Stores, Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:12-CV-46	DATE FILED 1/30/2012	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT Newegg Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:12-CV-45	DATE FILED 1/30/2012	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT Hyatt Corporation
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 6:12-CV-416	DATE FILED 2/26/2012	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT FAREPORTAL, INC. dba CHEAPOAIR
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 6:12-CV-418	DATE FILED 2/26/2012	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT TARGET CORPORATION
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:12-CV-417	DATE FILED 2/26/2012	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT LQ MANAGEMENT L.L.C. dba LA QUINTA INNS
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D.TEX on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:12-CV-743	DATE FILED 10/5/2012	U.S. DISTRICT COURT E.D.TEX
PLAINTIFF MACROSOLVE, INC.		DEFENDANT AMERICAN EXPRESS COMPANY
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 6:12-CV-48	DATE FILED 1/30/2012	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT Yelp! Inc..
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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DECISION/JUDGEMENT

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TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 6:12-CV-47	DATE FILED 1/30/2012	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT Wal-Mart Stores, Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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DECISION/JUDGEMENT

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TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 6:12-CV-46	DATE FILED 1/30/2012	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT Newegg Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 6:12-CV-45	DATE FILED 1/30/2012	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT Hyatt Corporation
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 6:12-CV-44	DATE FILED 1/30/2012	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT Facebook, Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 6:11-cv-694	DATE FILED 12/21/2011	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT UNITED AIR LINES, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 6:11-cv-693	DATE FILED 12/21/2011	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT TRAVELOCITY LP
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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DECISION/JUDGEMENT

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TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 6:11-cv-692	DATE FILED 12/21/2011	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT SOUTHWEST AIRLINES CO.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:11-cv-691	DATE FILED 12/21/2011	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT PRICELINE.COM INCORPORATED
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 6:11-cv-690	DATE FILED 12/21/2011	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT HOTELS.COM, L.P
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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DECISION/JUDGEMENT

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TO: <p style="text-align: center;">Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450</p>	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:11-cv-689	DATE FILED 12/21/2011	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT HIPMUNK, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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TO: <p style="text-align: center;">Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450</p>	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:11-cv-687	DATE FILED 12/21/2011	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT CONTINENTAL AIRLINES, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:11-cv-686	DATE FILED 12/21/2011	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT AVIS RENT A CAR SYSTEM, LLC
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex. on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:12-CV-915	DATE FILED 12/4/2012	U.S. DISTRICT COURT E.D. Tex.
PLAINTIFF MACROSOLVE, INC.		DEFENDANT BED BATH & BEYOND INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2012	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex. on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:12-CV-917	DATE FILED 12/4/2012	U.S. DISTRICT COURT E.D. Tex.
PLAINTIFF MACROSOLVE, INC.		DEFENDANT STARWOOD HOTELS & RESORTS WORLDWIDE, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2012	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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TO: <p style="text-align: center;">Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450</p>	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 6:12-CV-980	DATE FILED 12/21/2012	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT CVS Pharmacy, Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
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TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:12-CV-976	DATE FILED 12/21/2012	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT Home Depot U.S.A., Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:12-CV-977	DATE FILED 12/21/2012	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT SkyMall, Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 6:12-CV-975	DATE FILED 12/21/2012	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT Walgreen Co.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:12-CV-74	DATE FILED 2/17/2012	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT GEICO INSURANCE AGENCY, INC., GEICO CASUALTY COMPANY, GOVERNMENT EMPLOYEES INSURANCE COMPANY
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 6:12-CV-76	DATE FILED 2/17/2012	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT MARRIOTT INTERNATIONAL, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 6:12-CV-92	DATE FILED 2/27/2012	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT INTER-CONTINENTAL HOTELS CORPORATION SIX CONTINENTS HOTELS, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
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TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 6:12-CV-91	DATE FILED 2/27/2012	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT AOL INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court E.D. Tex on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:12-CV-193	DATE FILED 3/23/2012	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT BANK OF AMERICA CORPORATION BANK OF AMERICA, N.A.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

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Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:12-CV-194	DATE FILED 3/23/2012	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT MOVIETICKETS.COM, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

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Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:12-CV-384	DATE FILED 6/18/2012	U.S. DISTRICT COURT E.D. Tex
PLAINTIFF MACROSOLVE, INC.		DEFENDANT (1) JPMORGAN CHASE & CO., (2) JPMORGAN CHASE BANK, N.A.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court EASTERN DISTRICT OF TEXAS on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:13-CV-665	DATE FILED 9/12/2013	U.S. DISTRICT COURT EASTERN DISTRICT OF TEXAS
PLAINTIFF MACROSOLVE, INC.		DEFENDANT BOX, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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DECISION/JUDGEMENT

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TO: <p style="text-align: center;">Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450</p>	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court EASTERN DISTRICT OF TEXAS on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:13-CV-674	DATE FILED 9/12/2013	U.S. DISTRICT COURT EASTERN DISTRICT OF TEXAS
PLAINTIFF MACROSOLVE, INC.		DEFENDANT MEETUP, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

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DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court EASTERN DISTRICT OF TEXAS on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:13-CV-675	DATE FILED 9/12/2013	U.S. DISTRICT COURT EASTERN DISTRICT OF TEXAS
PLAINTIFF MACROSOLVE, INC.		DEFENDANT WYNDHAM HOTEL GROUP, LLC, ET AL.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
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TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:13-CV-666	DATE FILED 9/12/2013	U.S. DISTRICT COURT EASTERN DISTRICT OF TEXAS
PLAINTIFF MACROSOLVE, INC.		DEFENDANT CARLSON HOTELS, INC., ET AL.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
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Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:13-CV-667	DATE FILED 9/12/2013	U.S. DISTRICT COURT EASTERN DISTRICT OF TEXAS
PLAINTIFF MACROSOLVE, INC.		DEFENDANT CHIPOTLE MEXICAN GRILL, INC., ET AL.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

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Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 6:13-CV-668	DATE FILED 9/12/2013	U.S. DISTRICT COURT EASTERN DISTRICT OF TEXAS
PLAINTIFF MACROSOLVE, INC.		DEFENDANT COMCAST CORPORATION, ET AL.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 6:13-CV-669	DATE FILED 9/12/2013	U.S. DISTRICT COURT EASTERN DISTRICT OF TEXAS
PLAINTIFF MACROSOLVE, INC.		DEFENDANT DISCOVER FINANCIAL SERVICES, INC., ET AL.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 6:13-CV-670	DATE FILED 9/12/2013	U.S. DISTRICT COURT EASTERN DISTRICT OF TEXAS
PLAINTIFF MACROSOLVE, INC.		DEFENDANT DROPBOX, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 6:13-CV-672	DATE FILED 9/12/2013	U.S. DISTRICT COURT EASTERN DISTRICT OF TEXAS
PLAINTIFF MACROSOLVE, INC.		DEFENDANT HOME BOX OFFICE, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 6:13-CV-673	DATE FILED 9/12/2013	U.S. DISTRICT COURT EASTERN DISTRICT OF TEXAS
PLAINTIFF MACROSOLVE, INC.		DEFENDANT MEDIAFIRE, LLC
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,816	10/26/2010	MACROSOLVE, INC.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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DECISION/JUDGEMENT

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RPX CORPORATION
Petitioner

v.

MACROSOLVE, INC.
Patent Owner

Case IPR2014-00140
Patent 7,822,816 B2

Before SALLY C. MEDLEY, TREVOR M. JEFFERSON, and
PETER P. CHEN, *Administrative Patent Judges*.

CHEN, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

RPX Corporation (“Petitioner”) filed a Petition requesting an *inter partes* review of claims 1-14 of U.S. Patent No. 7,822,816 (Ex. 1001, “the ’816 patent”). Paper 3 (“Pet.”). MacroSolve (“Patent Owner”) filed a Corrected Preliminary Response on February 25, 2014. Paper 8 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314.

The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a), which provides as follows:

THRESHOLD.—The Director may not authorize an *inter partes* review to be instituted unless the Director determines that the information presented in the petition filed under section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.

Upon consideration of the Petition and Preliminary Response, we are persuaded the information presented by Petitioner has established a reasonable likelihood that Petitioner would prevail in showing the unpatentability of claims 1-14 of the ’816 patent. Accordingly, we authorize an *inter partes* review of these claims to be instituted.

A. Related Proceedings

The Patent Owner states that the ’816 patent is involved in the following pending proceedings in the District Court for the Eastern District of Texas: *MacroSolve, Inc. v. Carlson Hotels, Inc.* (6-13-cv-00666); *MacroSolve, Inc. v. Five Guys Enterprises, LLC* (6-13-cv-00671); *MacroSolve, Inc. v. Meetup, Inc.* (6-13-cv-00674); *MacroSolve, Inc. v. Chipotle Mexican Grill, Inc.* (6-13-cv-0667); *MacroSolve, Inc. v. Discover*

Financial Services, Inc. (6-13-cv-00669); *MacroSolve, Inc. v. Home Box Office, Inc.* (6-13-cv-00672); *MacroSolve, Inc. v. Box, Inc.* (6-13-cv-00665); *MacroSolve, Inc. v. Dropbox, Inc.* (6-13-cv-00670); *MacroSolve, Inc. v. MediaFire, LLC* (6-13-cv-00673); *MacroSolve, Inc. v. GEICO Insurance Agency, Inc.* (6-12-cv-00074); *MacroSolve, Inc. v. newegg* (6-12-cv-00046); *MacroSolve, Inc. v. American Airlines, Inc.* (6-11-cv-00685); *MacroSolve, Inc. v. Antenna Software, Inc.* (6-11-cv-00287).

The '816 patent is also the subject of *Ex Parte* Reexamination No. 90/012,829, filed April 3, 2013, by GEICO Corporation, GEICO Casualty Company, GEICO General Insurance Company, GEICO Indemnity Company and Government Employees Insurance Company. A non-final Office Action rejecting all claims was mailed in the reexamination on September 13, 2013. Patent Owner's response to the non-final Office Action was e-filed November 13, 2013.

B. Real Party-in-Interest

In the Preliminary Response, Patent Owner argues for dismissal of this proceeding, for failure of the Petitioner to identify real parties-in-interest, and also because Petitioner allegedly is in privity with entities time-barred from initiating this *inter partes* review. Prelim. Resp. 5-16.

Patent Owner contends dismissal is warranted because there are "at least seven entities which are both defendants in E.D. Texas litigation involving the '816 patent and members of Petitioner RPX [I]t is beyond mere speculation that one or more of these parties are a real party-in-interest to Petitioner." *Id.* at 9-10. Mere membership in Petitioner RPX

Corporation, however, does not demonstrate the requisite control over Petitioner by the alleged unnamed real parties-in-interest.

In support of its argument for dismissal based on time-barred entities in privity with Petitioner, Patent Owner asserts there are “affiliates” of three venture capital firms that own 10%, 10%, and 12%, respectively, of the publicly traded common stock of Petitioner, and that these affiliates of the venture capital firms also own, or previously owned, some of the publicly traded common stock of companies being sued in the district court proceedings brought by Patent Owner. Prelim. Resp. 15. Patent Owner concludes that the defendants in the district court proceedings control members of the board of Petitioner, without directing us to evidentiary support, other than the past or present ownership of defendants’ stock by some of the owners of Petitioner’s stock. *Id.* We do not agree with Patent Owner’s argument that control of Petitioner arises from such circumstances.

Alternatively, Patent Owner seeks a stay of this proceeding pending either receipt of discovery on the identity of real parties in the district court proceedings, or additional discovery herein. We deny Patent Owner’s request for a stay. The time for Patent Owner to have sought discovery on this issue was during the three months between Patent Owner’s receipt of the Petition in November 2013 and Patent Owner’s filing of its Preliminary Response. Instead, Patent Owner waited until its Preliminary Response to raise the issue of a stay. The stay request is denied.

C. The '816 Patent

The '816 patent is titled “System and Method for Data Management.” The subject matter of the '816 patent is the distribution of electronic forms

via the Internet or to mobile devices, and in particular, a method for the management of data collected from a remote computing device. Ex. 1001, Abstract. The '816 patent describes using computerized questionnaires to allow a user to complete a form on a wireless device for transmission to a server. *Id.* at col. 10 ll. 28-37. In particular, a client designs a questionnaire by creating a list of questions, and can assign tokens to the questionnaire, e.g., for follow up questions depending on responses to other questions. *Id.* at col. 8 ll. 40-51. When the questionnaire is complete, the questions and tokens are transmitted to a handheld device, whose user provides responses to the questions. The responses are stored on the handheld device and transmitted to the server, and the server stores the data in a database. *Id.* at col. 8 ll. 57-66, col. 9 ll. 44-63.

Figure 1 of the '816 patent is reproduced below.

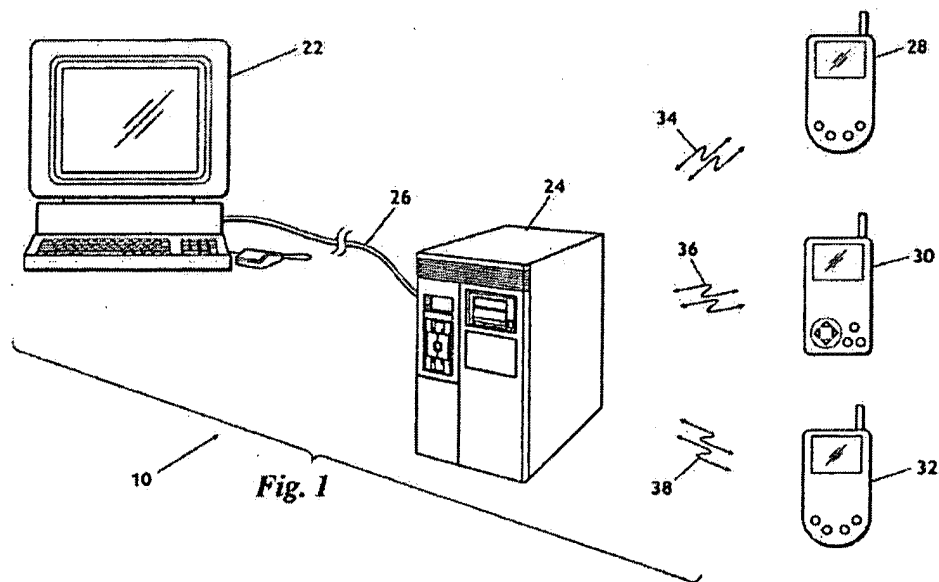


Figure 1 depicts the claimed system, including client computer 22 and server 24, both with Internet connection 26. Remote devices 28, 30, and 32 are connected to server 24 via connections 34, 36, and 38. *Id.* Col. 7 ll. 4-11.

Figure 2 of the '816 patent is reproduced below.

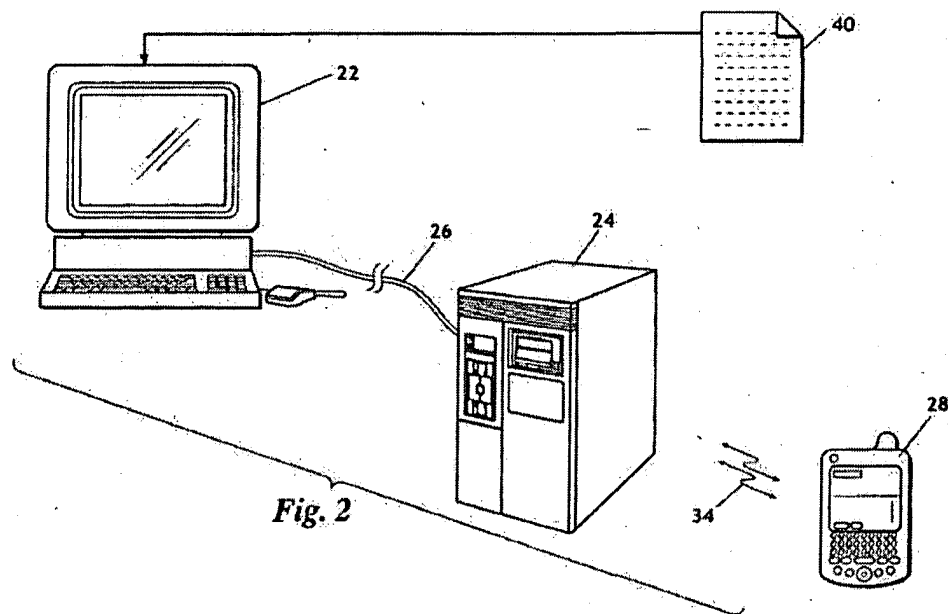


Figure 2 illustrates a system used to create a questionnaire for distribution to handheld devices. Pet. 6, Ex. 1001, col. 8 ll. 25-27. A client uses computer 22 with access to Internet 26 to communicate with server 24. Computer 22 has a web-based interface allowing the client to create questionnaire 40. Once the questionnaire is complete, it is sent by server 24 to handheld device 28 via network connection 34. Ex. 1001, col. 8 ll. 27-32, 57-60.

Figure 3 of the '816 patent is reproduced below.

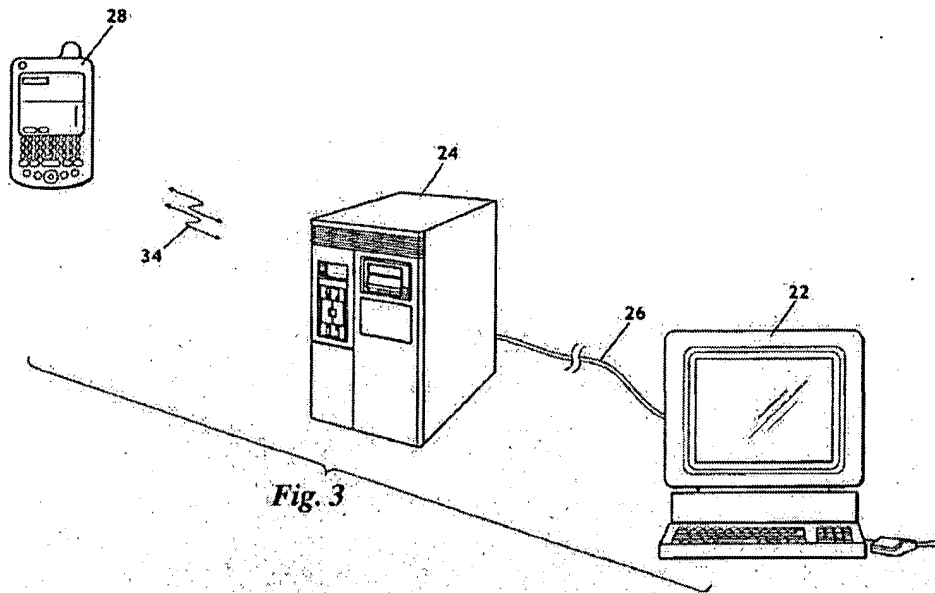


Figure 3 depicts the collection and review of questionnaire information. Pet. 7. Responses to questions are transmitted from handheld device 28 via connection 34 to server 24. Computer 22 can access server 24 via the Internet 26 to review and use the data. Ex. 1001, col. 9 ll. 15-17, 33-35, 44-45, 61-65. In a preferred embodiment of the '816 patent, handheld device 28 and server 24 are "loosely networked," where the server and handheld devices are "tolerant of intermittent network connections and, in fact, tolerant of the type of network connection available." Ex. 1001, col. 4 ll. 55-65.

D. Illustrative Claim

Claims 1-14 are the subject of the Petition, and claims 1, 8, and 11 are independent claims. Independent claim 1 is reproduced as follows:

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.

E. Prior Art Relied Upon

Petitioner relies upon the following six prior art references:

Reference	Title	Ex. No.
Dodgen	US 6,453,329 B1	Ex. 1011
Sancho	D. Sancho and I. Phillips, The Official Pendragon Forms for PalmOS (2000)	Ex. 1012
Richards	US 2002/0147850 A1	Ex. 1014
Porter	US 6,163,811	Ex. 1015
Desai	US 6,618,746 B2	Ex. 1016
Jeter	WO 00/57976	Ex. 1017

F. The Asserted Grounds

Petitioner contends the challenged claims are unpatentable based on four grounds. Pet. 11-12.

Reference(s)	Basis	Claims Challenged
Sancho and Phillips	§ 103(a)	1-14
Richards and Porter	§ 103(a)	1, 5-7
Richards, Porter, and Desai	§ 103(a)	2-4, 8-11, 13, and 14
Richards, Porter, Desai and Jeter	§ 103(a)	12

II. ANALYSIS

A. Claim Construction

In an *inter partes* review, the Board interprets claim terms according to their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b); Office Patent Trial Practice

Guide, 77 Fed. Reg. 48,756, 48,766 (Aug. 14, 2012). There is a “heavy presumption” that a claim term carries its ordinary and customary meaning. *CCS Fitness, Inc. v. Brunswick Corp.*, 288 F.3d 1359, 1366 (Fed. Cir. 2002). Claim terms are given their ordinary and customary meaning, as would be understood by one of ordinary skill in the art in the context of the entire disclosure. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007).

Petitioner submits proposed constructions for four claim terms: “questionnaire comprising a series of questions”; “token” and “tokens”; “tokenizing said questionnaire”; and “a same wireless modem or wireless LAN network connection.” Pet. 10-11. Patent Owner does not propose alternative constructions for these terms.

For purposes of this Decision, we find the broadest reasonable construction of “questionnaire comprising a series of questions” and “a same wireless modem or wireless LAN network connection” to be apparent from their usage in the claims.

Petitioner’s proposed construction of “token” is “a distinguishable unit of a program, such as an index, an instruction, or a command,” that “can represent something else such as a question, answer, or operation.” Pet. 11, citing Ex. 1001, col. 8 ll. 40-46, 60-64; col. 5 ll. 12-17; col. 12 ll. 1-2. For purposes of this Decision, we determine that Petitioner’s proposed construction is the broadest reasonable construction consistent with the specification, and we adopt Petitioner’s proposed construction.

Petitioner proposes the broadest reasonable construction of “tokenizing said questionnaire” is “causing a part of the questionnaire to be assigned to or converted into a token.” Pet. 11 (citing Reddy Decl. ¶¶ 63-

72). This proposed construction is supported by the claims. Claim 4 recites in part, “tokenizing said questionnaire . . . by: assigning at least one token to each question . . . assigning at least one token to each response . . . assigning at least one token to each branch.” Thus, in claim 4 tokenizing corresponds to assigning parts of the questionnaire to tokens. *See also* Ex. 1001, col. 8 ll. 40-56.

Claim 1 recites in part, “tokenizing said questionnaire; thereby producing a plurality of tokens representing said questionnaire.” Thus, in claim 1, tokenizing corresponds to producing, or converting, part of the questionnaire into tokens. *See also* Ex. 1001, col. 12 ll. 1-2. Accordingly, we determine that, for purposes of this Decision, Petitioner’s proposed construction of “tokenizing said questionnaire” is the broadest reasonable construction consistent with the specification.

As noted above, Patent Owner does not propose formally any construction for these terms or any claim terms. From the arguments made by Patent Owner, however, it is clear that Patent Owner construes the recited “network connection” of claims 1-7 and “electronic communication” of claims 8-14 to require immediate, real time communication. Prelim. Resp. 20, 22, 25-26. The claims do not contain any such limitation, and the notion of real time communication is described as to one embodiment of the ’816 patent, which also describes other, “virtually real time” communication, Ex. 1001, Abstract; col. 5 l. 64; col. 9 l. 11; col. 10 l. 18. Patent Owner, without expressly proposing a construction, further argues that the network connection of claim 1 means a “loosely networked connection,” where “devices on the network are tolerant of intermittent network connections and, in fact, tolerant of the type of network connection available.” Pet. 19-

20, citing Ex.1001 col. 4 l. 61 – col. 5 l.5. The '816 patent further discloses that “[u]nless otherwise specified, hereinafter the terms ‘network’ or ‘networked’ refer to loosely networked devices.” *Id.* For purposes of this Decision, we agree with Patent Owner’s contention that the network connection of claim 1 means a “loosely networked connection.”

B. Claims 1-14 – Obviousness Over Dodgen and Sancho

Petitioner contends claims 1-14 are unpatentable under 35 U.S.C. § 103(a) as obvious over Dodgen and Sancho. Pet. 35-47.

Dodgen (Exhibit 1011)

Dodgen is titled “Method for Translating Distilled Filed [sic] for Handling of Large Data Files and Programs by Computing Devices with Limited Processing Capability.” Dodgen discloses a system for gathering users’ responses to a questionnaire, executed on a handheld computer. A document is created to define data fields and a hierarchy of organization. Ex. 1001, Abstract. A “distillation” process optimizes the document for transmission to and execution by a handheld computer. *Id.*, Abstract; Fig. 1; col. 9 ll. 30-56; col. 15 l. 24 – col. 16 l. 2. Data input through the handheld computer can be transmitted wirelessly to a desktop computer for further processing and reporting. *Id.* Figure 1 of Dodgen is reproduced below.

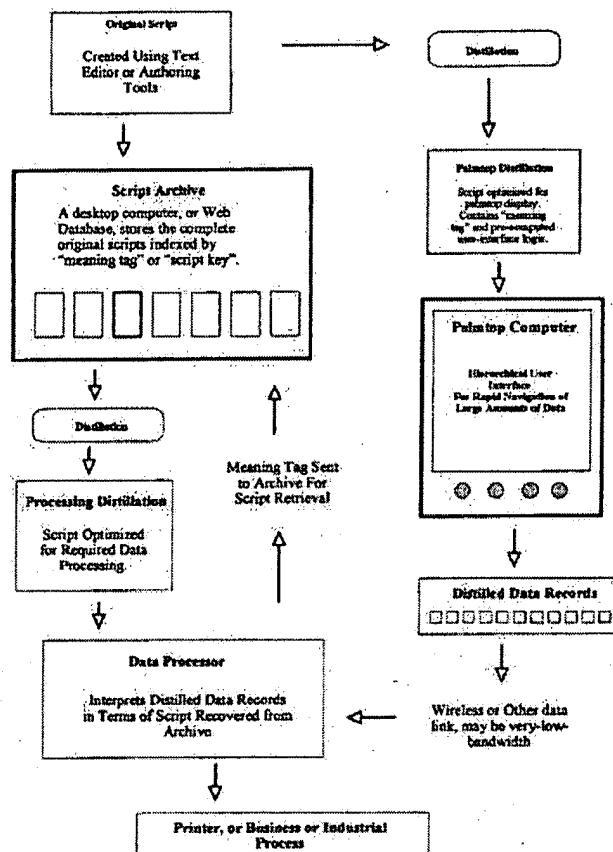


Figure 1 is a flowchart depicting the “distillation-expansion-processing” system of Dodgen, where a list of questions is compiled, converted to a script, and transmitted to a palmtop (handheld) computer where the list of questions is executed, after which the user’s responses are transmitted wirelessly to another computer. Ex. 1011, col. 15 l. 25 – col. 16 l. 2. Dodgen teaches tokenizing as assigning one or more token-value pairs to data fields in the list of questions. A meaning token is inserted into the script and contains instructions for the expansion process by the receiving computer. Ex. 1011, Abstract, col. 5 ll. 9-14, col. 15 ll. 36-37.

Sancho (Exhibit 1012)

Sancho is titled “The Official Pendragon Forms for Palm OS,” and discloses software for creating, distributing, and running data gathering applications for handheld computers. Pet. 15. Sancho describes how a graphical user interface is used to design and create custom forms for data entry by handheld users. Ex. 1012, ix, 6-7, 215-16. Figure 15-2 of Sancho is reproduced below.

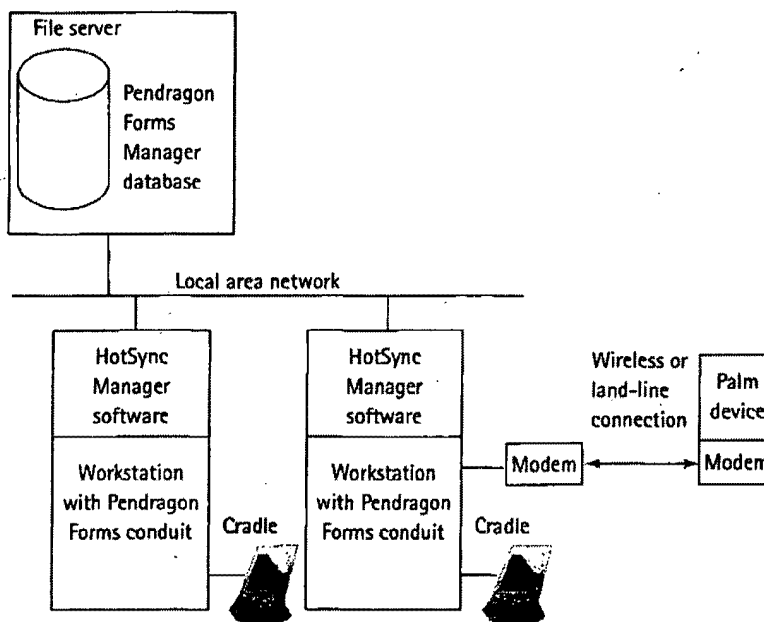


Figure 15-2: Network Configuration for Pendragon Forms Network Setup

In Figure 15-2, the handheld “Palm” device is connected wirelessly to the file server. The “HotSync” software transfers data and programs between the file server and the handheld device. Ex. 1012, 338.

Analysis

Petitioner contends claims 1-14 are unpatentable under 35 U.S.C. § 103(a) as obvious over Dodgen and Sancho. In support of this asserted

ground of unpatentability, Petitioner provides detailed explanations of how the subject matter of each claim is disclosed by the combined teachings of Dodgen and Sancho, and relies on the Declaration of Dr. Reddy. Pet. 14-39 (citing Ex. 1004 ¶¶ 77-85). Patent Owner contends as to all claims that “real time” communication must occur between the server and the remote computing device, and that neither Dodgen nor Sancho discloses such real time communication. Prelim. Resp. 22-23. None of the claims, however, recites real time communication. Moreover, real time communication is in only one embodiment disclosed by the ’816 patent, which also describes communication in “virtually real time,” in addition to “real time.” Ex. 1001, Abstract; col. 5 l. 64; col. 9 l. 11; col. 10 l. 18.)

For a rationale for combining Dodgen and Sancho, Petitioner contends it would have been obvious for a person of ordinary skill in the art implementing Dodgen’s system to use Sancho’s disclosure, as both generally describe systems and methods allowing users of handheld computers to input data, using forms to guide the user through a series of prompts. Ex. 1004 ¶ 81. Petitioner further contends the combination of prior art elements, according to known methods, yields predictable results, and that the combination uses known techniques to improve similar methods, i.e., using Sancho’s graphical user interface to improve Dodgen’s data gathering method. *Id.* ¶ 82-83. Pet. 17-18 (citing *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 417 (2007)).

On this record, we determine that the information presented by Petitioner establishes a reasonable likelihood of its prevailing on this ground with respect to claims 1-14.

C. Claims 1, 5-7: Obviousness over Richards and Porter

Petitioner contends claims 1 and 5-7 are unpatentable under 35 U.S.C. §103 (a) as obvious over Richards and Porter. Pet. 40-46.

Richards (Exhibit 1014)

Richards is titled “Electronic Survey Tool and Dynamic Workflow Tool,” and describes a method and system for knowledge and information sharing and updating. Ex. 1014, Abstract. In Richards, the system distributes and updates a set of logic trees, which can include survey questions, instructions, and algorithms, to field engineers. The logic trees are stored in extensible markup language (“XML”), and tokenized strings can be used in addition to XML to enhance performance. *Id.* ¶ 40. Figure 3 of Richards is reproduced below.

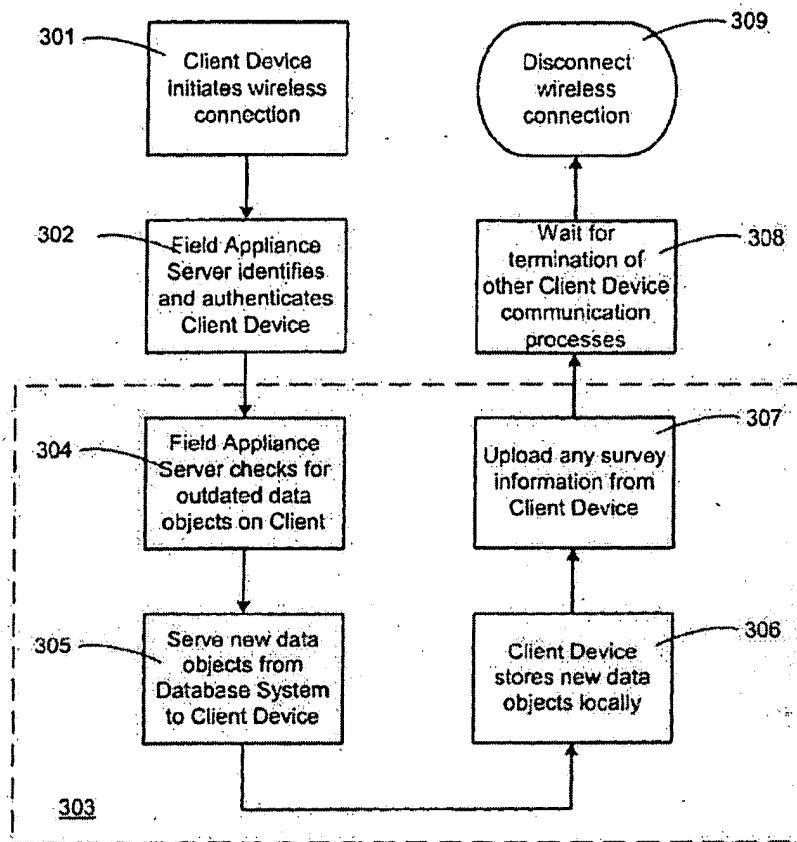


Figure 3

Figure 3 depicts the process disclosed by Richards, in which a wireless client device synchronizes its locally stored information with a field appliance server. *Id.* ¶ 42. In synchronization session 303, the server downloads new logic tree data objects to the client device and uploads new survey information from the client device. *Id.*

Porter (Exhibit 1015)

Porter, titled "Token Based Source File Compression/Decompression and its Application," describes techniques for tokenizing strings in XML-formatted source files, in order to transfer source code files from one computer system to another in tokenized form, to reduce transmission bandwidth requirements. Ex. 1015, col. 1 ll. 65-67. Figure 1c of Porter is reproduced below.

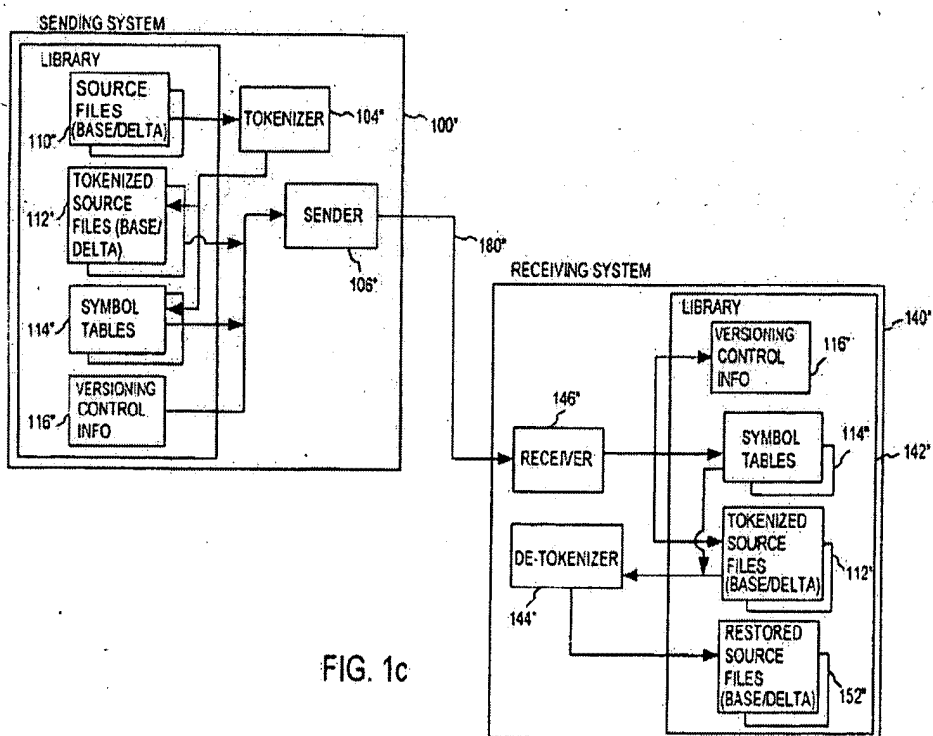


FIG. 1c

Figure 1c depicts sending computer system 100" including tokenizer 104" that transforms source files 110" to tokenized source files 112". The tokenizing occurs by "substituting language elements, such as arithmetic operators, relational operators and so forth, with tokens." Ex. 1015, col. 3 ll. 40-45. The tokenized source files are sent by sender 106" via communication medium 180" (which can be a local area network or a wide

area network) to receiver 146" in receiving computer system 140". De-tokenizer 144" restores source files 112" to source files 152" in original form. *Id.* col. 5 ll. 9-18.

Analysis

Petitioner contends claims 1 and 5-7 are unpatentable under 35 U.S.C. § 103(a) as obvious over Richards and Porter. In support of this asserted ground of unpatentability, Petitioner provides detailed explanations of how the subject matter of each claim is disclosed by the combined teachings of Richards and Porter, and relies on the declaration of Dr. Reddy. Pet. 40-46 (citing Ex. 1004 ¶¶ 86-92). Claim 5 expressly recites a loosely networked computing device, and as noted above in section II.A, Patent Owner contends that any network connection, as recited in claim 1, means a loosely networked connection tolerant of intermittent connectivity. Patent Owner contends Richards does not teach a loosely networked connection. Prelim. Resp. 24-25. Petitioner's declarant notes, however, that Richards discloses loosely networked connections, as Richards's client device initiates a wireless connection and then "intermittently" synchronizes its logic tree data objects with those in the central database. Ex. 1004 ¶ 92; *see also* Pet. 43.

Patent Owner further contends Richards does not disclose real time communication. Prelim. Resp. 25-26. As noted above in section II. C, the claims do not recite real time communication, which is a feature disclosed in an embodiment of the '816 patent. The '816 patent also discloses, in contrast, "virtually" real time communication.

Patent Owner also contends Richards does not disclose claim 7's limitation of the "two different remote computing device types." Prelim. Resp. 27. Petitioner, however, asserts that Richards indeed teaches a system

with a plurality of client devices, and Fig. 1 shows two different types of devices, wireless client 104 and web browser client 105. Ex. 1014, Fig. 1 and ¶ 29.

For a rationale for combining Richards and Porter, Petitioner contends it would have been obvious for a person of ordinary skill in the art to combine Richards and Porter, as Richards expressly encourages using “tokenized strings, as is known in the art,” to improve system performance. Ex. 1004 ¶ 89, citing Ex. 1014 ¶ 40. Petitioner further contends the combination of prior art elements, according to known methods, yields the predictable result of a data gathering system using logic trees wirelessly transmitted to handheld devices in tokenized form, and that the combination uses known techniques to improve similar methods, i.e., using Porter’s tokenizing to improve Richards’s method of transmitting XML files. *Id.* ¶¶ 89-91. Pet. 41-42 (citing *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 417 (2007)).

On this record, we determine that the information presented by Petitioner establishes a reasonable likelihood of its prevailing on this ground with respect to claims 1 and 5-7.

D. Claims 2-4, 8-11, 13, and 14: Obviousness Over Richards, Porter, and Desai

Petitioner contends claims 2-4, 8-11, 13, and 14 are unpatentable under 35 U.S.C. § 103(a) as obvious over Richards, Porter, and Desai. Pet. 47-58. Desai is titled “Survey Communication Across a Network,” and describes a network survey system including a questionnaire designer and an

interface for communicating with commercially available statistical software for analyzing survey responses. *Id.* (citing Ex. 1016, Abstract, col. 5 ll. 60-66). The surveys can be conducted independent of any proprietary operating system or windowing environment, and support “intelligent” survey behavior such as branching or piping. *Id.* col. 2 ll. 44-50.

The Petition and supporting Declaration of Dr. Reddy set forth detailed explanations on how Richards, Porter and Desai teach or suggest the subject matter of each of the claims challenged under this ground of unpatentability, and the rationale for combining the references. Pet. 47-58, Ex. 1004 ¶¶ 93-98. The Patent Owner does not address the specific disclosure of Desai, or that of Richards and Porter, and instead reiterates its previous arguments against Richards and Porter. Prelim. Resp. 28. *See* section II. C above.

We are persuaded by Petitioner’s evidence that there is a reasonable likelihood Petitioner would prevail on claims 2-4, 8-11, 13, and 14 on the ground these claims would have been obvious over Richards, Porter, and Desai.

E. Claim 12: Obviousness Over Richards, Porter, Desai, and Jeter

Petitioner contends claim 12 would have been obvious over Richards, Porter, Desai, and Jeter. Claim 12 depends from claim 11 and further recites “the step of printing a report from any of said response.” Jeter is titled “Interactive Targeted Marketing System and Method,” and describes a system for conducting a survey over a telecommunications network. Ex. 1017, Abstract. Survey participants may provide responses by electronic form, and the responses are recorded and data is processed to generate

statistical reports, which may be printed. *Id.* Abstract; p.7 ll. 13-19. Petitioner contends a survey report printed on paper teaches the claimed “printing a report from any of said response,” and Petitioner’s declarant opines it would have been obvious to add the printing functionality of Jeter to the data gathering and surveying technology of Richards and Desai. Ex. 1004 ¶ 103. The Preliminary Response does not address Jeter’s disclosure of printing functionality.

We are persuaded there is a reasonable likelihood of Petitioner prevailing in establishing the unpatentability of claim 12 of the ’816 patent as obvious over Richards, Porter, Desai, and Jeter.

III. CONCLUSION

For the foregoing reasons, we are persuaded the information presented in the Petition establishes a reasonable likelihood that Petitioner would prevail in establishing unpatentability of claims 1-14 as obvious over Dodgen and Sancho, claims 1 and 5-7 as obvious over Richards and Porter, claims 2-4, 8-11, and 13-14 as obvious over Richards, Porter, and Desai, and claim 12 as obvious over Richards, Porter, Desai, and Jeter.

The Board has not made a final determination on the patentability of any challenged claims.

IV. ORDER

Accordingly, it is

ORDERED that Patent Owner’s request for dismissal of this *inter partes* review, or in the alternative for a stay of this *inter partes* review

pending receipt of discovery in district court litigation or conduct of additional discovery in this *inter partes* review, is denied; and

FURTHER ORDERED that pursuant to 35 U.S.C. § 314, an *inter partes* review is hereby instituted as to the following claims and grounds:

1. Claims 1-14 of the '816 patent are unpatentable under 35 U.S.C. § 103(a) as obvious over Dodgen and Sancho;
2. Claims 1 and 5-7 of the '816 patent are unpatentable under 35 U.S.C. § 103(a) as obvious over Richards and Porter;
3. Claims 2-4, 8-11, 13, and 14 are unpatentable under 35 U.S.C. § 103(a) as obvious over Richards, Porter, and Desai;
4. Claim 12 of the '816 patent is unpatentable under 35 U.S.C. § 103(a) as obvious over Richards, Porter, Desai, and Jeter; and

FURTHER ORDERED that pursuant to 35 U.S.C. § 314(d) and 37 C.F.R. § 42.4, notice is hereby given of the institution of a trial. The trial commences on the entry date of this Decision.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RPX CORPORATION
Petitioner

v.

MACROSOLVE, INC.
Patent Owner

Case IPR2014-00140
Patent 7,822,816

Before SALLY C. MEDLEY, TREVOR M. JEFFERSON, and
PETER P. CHEN, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

JUDGMENT
Termination of the Proceeding
37 C.F.R. § 42.73

On May 16, 2014, a trial was instituted involving claims 1-14 of the '816 patent. Paper 9. An *ex parte* reexamination certificate issued on June 10, 2014, in *Ex Parte* Reexamination No. 90/012,829, cancelling claims 1-

Case IPR2014-00140
Patent 7,822,816

14 of the '816 patent. Ex. 3001.¹ A conference call was held on June 19, 2014, involving counsel for the respective parties and Judges Medley, Jefferson, and Chen.

During the conference call, counsel for both parties represented that, based on the cancellation of all of the involved claims of the '816 patent, the *inter partes* review should be terminated.

The ultimate purpose of a trial is to determine if the challenged claims are unpatentable, and if the claims are determined to be unpatentable, to cancel the unpatentable claims. 35 U.S.C. § 318. The involved claims in this proceeding, however, have been cancelled through another proceeding. There is, therefore, no occasion to continue the trial. Based on the facts of this case, termination is appropriate.

Accordingly, it is

ORDERED that the proceeding is *terminated*.

¹ Exhibit 3001 is a copy of the reexamination certificate.

Case IPR2014-00140
Patent 7,822,816

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