UNITED STATES PATENT AND TRADEMARK OFFICE

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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

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

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

PTOL-90A (Rev. 04/07)

-- 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 _10/22/2010_.
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    4a) Of the above claim(s) _____ is/are withdrawn from consideration.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.   Claims 1-11 are presented for examination.

Double Patenting

2.   The nonstatutory double patenting rejection is based on a judicially created

doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the

unjustified or improper timewise extension of the "right to exclude" granted by a patent

and to prevent possible harassment by multiple assignees.   A nonstatutory

obviousness-type double patenting rejection is appropriate where the conflicting claims

are not identical, but at least one examined application claim is not patentably distinct

from the reference claim(s) because the examined application claim is either anticipated

by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140

F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29

USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.

1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422

F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163

USPQ 644 (CCPA 1969).

        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d)

may be used to overcome an actual or provisional rejection based on a nonstatutory

double patenting ground provided the conflicting application or patent either is shown to

be commonly owned with this application, or claims an invention made as a result of

activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a

terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with

37 CFR 3.73(b).

3.   Claims 1-11 of the instance application are rejected on the ground of

nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14

of U.S. Patent No. 7,822,816. Although the conflicting claims are not identical, they are

not patentably distinct from each other because the limitation of claims 1-11 of the

instance application is overlapping with the limitation of claims 1-14 of U.S. Patent No.

7,822,816 as following:

U.S. Patent No. 7,266,600	Instant Application No. 11/738,732
1. A method for managing data including the steps of:	1. A method for managing data including the steps of:
a) creating a questionnaire comprising a series of questions;	(a) creating a questionnaire comprising a series of questions;
(b) tokenizing said questionnaire; thereby producing a plurality of tokens representing said questionnaire;	(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 <u>via said first wireless modem or wireless LAN network connection</u>;	(c) transmitting said plurality of tokens to a remote computing device;
e) <u>terminating said first wireless modem or wireless LAN network connection with said remote computing device</u>;	
(f) <u>after said first wireless modem or wireless LAN network connection is terminated,</u> 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;	(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;
(g) <u>establishing a second wireless modem or wireless LAN network connection between said remote computing device and a server</u>;	
(h) <u>after said second wireless modem or wireless LAN network connection is established,</u> transmitting at least a portion	(e) transmitting at least a portion of said response from the user to a server via a network; and

of said response from the user to said server via said second wireless modem or wireless LAN network connection; and	
(i) storing <u>said transmitted</u> response at said server.	(f) storing said response at said server.

4.   Therefore, the limitation of claims 1-11 of the instance application is anticipated by the limitations of claims 1-14 of U.S. Patent No 7,822,816, and as such is unpatentable for obvious-type double patenting.

Claim Rejections - 35 USC § 102

5.   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.

6.   Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Lew et al., United States Patent Publication Number 2004/0210472 (hereinafter Lew).

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

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

      (b)   tokenizing said questionnaire [= 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 [= 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 [= feedback] from a user [= feed back from a user, paragraph 0036];

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

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

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.   Claim 7 is rejected under 35 U.S.C. 102(e) as being anticipated by Sendowski et al., United States Patent Publication Number 2003/0198934 (hereinafter Sendowski).

10.   With respect to claim 7, Sendowski teaches a method for collecting survey data

from a user [see abstract] comprising:

        (a)   designing a questionnaire [= survey] having branching logic [= branch

script object 124] on a first computer platform [= web server 121] [paragraphs 0023-

0028 and 0041-0048];

        (b)   automatically transferring said designed questionnaire to at least one

loosely networked computer [= automatically generate an HTML question page or

question form, paragraph 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 [= 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

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

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

12.   Claims 2-4, 6, and 9-11 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lew as applied in claim 1 above, in view of Sendowski et al., U.S.

Patent Application Publication No. 2003/0198934 (hereinafter Sendowski).

13.   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 of managing data, Sendowski discloses the step of: (g) translating

said response to a format recognizable [= XML data structural] by a particular computer

program [= 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 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 3, Lew does not explicitly show wherein step (a) includes the sub-steps 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 of managing data, Sendowski discloses wherein step (a) includes the sub-steps 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 [= 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 [paragraph 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

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

15.   With respect to claim 4, Lew does not explicitly show wherein step (b) includes the sub-steps 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.

In a method of managing data, Sendowski discloses wherein step (b) includes the sub-steps 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 [= 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 [= allows the answer to be collected into a name toke, 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

been motivated in order to support thousands of concurrent users when it is required

[Sendowski, paragraph 0005].

16.   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 [= survey] at a first site [= modulator 10] in a first

computer [= 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 [= remote responding

device] via said network, said remote computer running an OIS [paragraph 0053];

        However, Lew does not explicitly show step (c) modifying said questionnaire with

incremental changes at a third site in said first computer located at said second site;

and step (d) modifying said questionnaire in said remote computer with said incremental

changes.

        In a method of managing data, Sendowski discloses step (c) modifying said

questionnaire with incremental changes at a third site in said first computer located at

said second site [= TSLastModified of table 2 and paragraph 0058]; and step (d)

modifying said questionnaire in said remote computer with said incremental changes [= 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 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].

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

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

19.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sendowski, as applied in claim 7 above, in view of Joao, U.S. Patent Application Publication No. 2001/0056374 (hereinafter Joao).

20.   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].

Conclusion

21.   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.

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/

Supervisory Patent Examiner, Art Unit 2451

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Payne	Confirmation No.: 8703
Application No.: 12/910,706	Art Unit: 2451
Filed: 10/22/2010	Examiner: Nghi V. Tran
Title: SYSTEM AND METHOD FOR DATA MANAGEMENT	
Attorney Docket No.: 71855/10-351	

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 03/16/2011. Please consider the instant filing to be a Petition for a Three Month Extension of Time to Respond. A **USPTO credit card payment form PTO 2038 is attached to this filing or charge to a credit card will be authorized through EFS Web filing**.

Please amend the application as follows:

In the claims:

This listing of claims will replace all prior versions and listings of the claims in this application.

Please enter new Claims **12 – 31**.

1.   (*Previously Presented*) 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.   (*Previously Presented*) 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.

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3. (*Previously Presented*) 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. (*Previously Presented*) 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. (*Previously Presented*) 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.   (*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

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.   (*Previously Presented*) 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. (*Previously Presented*) The method for collecting survey data according to claim 7

further comprising:

(f)   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 network;

(b)   transmitting said 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)   transmitting said incremental changes from said first computer to said remote

computer via said network; and,

(e)~~(d)~~ modifying said questionnaire in said remote computer with said incremental

changes.

10. (*Previously Presented*) The method for managing data transfers between computers

according to claim 9 wherein said first site and said third site are the same.

11. (*Previously Presented*) The method for managing data transfers between computers

according to claim 9 wherein said third site is at said remote computer.

12. (*New*) A method for managing data comprising the steps of:

    (a)   establishing communications between a handheld computing device and an originating computer;

    (b)   receiving within said handheld computing device a transmission of a tokenized questionnaire from said originating computer, said tokenized questionnaire comprising a plurality of tokens;

    (c)   ending said communications between said handheld computing device and said originating computer;

    (d)   after said communications has been ended,

        (d1)   executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a user, and,

        (d2)   storing within said computing device said at least one response from the user;

    (e)   establishing communications between said handheld computing device and a recipient computer; and,

    (f)   transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer.

13. The method for managing data according to Claim 12, wherein step (b) comprises the steps of:

        (b1)   creating a questionnaire,

(b2)   tokenizing said questionnaire, thereby producing a plurality of tokens representing said questionnaire,

(b3)   storing said plurality of tokens on a computer readable medium accessible by said originating computer,

(b4)   accessing said stored plurality of tokens from said originating computer,

(b5)   transmitting said stored plurality of tokens from said originating computer to said handheld computing device, and,

(b6)   receiving within said handheld computing device said transmission of said tokenized questionnaire from said originating computer

14.   (*New*) The method for managing data according to Claim 12, wherein said originating computer and said recipient computer are a same computer.

15.   (*New*) The method for managing data according to Claim 12, wherein said step (d1) comprises the steps of:

    (i)   requiring a user to authenticate with said handheld computing device,

    (ii)   only if the user is able to authenticate with said handheld computing device, executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a user, and,

    (iii)   if the user is unable to authenticate with said handheld computing device, taking no further action.

16.   (*New*) The method for managing data according to Claim 12, wherein said questionnaire comprises at least one question.

17.   (*New*) The method for managing data according to Claim 16, wherein at least one of said at least one question is selected from a group consisting of a food quality question, a service quality question, a waiting time question, a store number question, a location question, a time question, a date question, a temperature question, and a time of day question.

18.   (*New*) The method for managing data according to Claim 12, wherein step (a) comprises the step of establishing communications via the Internet between said handheld computing device and said originating computer.

19.   (*New*) A method for managing data comprising the steps of:

  (a)   establishing communications between a handheld computing device and an originating computer, said handheld device having at least a capability to determine a current location thereof;

  (b)   receiving within said handheld computing device a transmission of a tokenized questionnaire, said tokenized questionnaire comprising a plurality of tokens;

  (c)   ending said communications between said handheld computing device and said originating computer;

  (d)   after said communications has been terminated,

(d1)   executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least said current location of said handheld computing device, and,

(d2)   storing within said handheld computing device said current location;

(e)   establishing communications between said handheld computing device and a recipient computer; and,

(f)   transmitting at least one value representative of said stored current location to said recipient computer.

20.   (*New*) The method for managing data according to Claim 19 wherein said current location of said handheld computing device is determined using GPS.

21.   (*New*) The method for managing data according to Claim 19, wherein said originating computer and said recipient computer are a same computer.

22.   (*New*) The method for managing data according to Claim 19, wherein step (d2) comprises the steps of:

(i)   determining at least one parameter value based on said current location,

(ii)   storing within said handheld computing device said current location,

(iii)   storing within said handheld computing device said determined at least one parameter value; and,

wherein step (f) comprises the steps of:

(f1) transmitting a value representative of said stored current location to said

recipient computer, and,

(f2) transmitting at least one of said at least one stored parameter value to said

recipient computer.

23. (*New*) The method for managing data according to Claim 22, wherein each of said at

least one parameter value is selected from a group consisting of a store number, a store

location, a time of day, and a date.

24. (*New*) A method for managing data comprising the steps of:

(a) establishing communications between a handheld computing device and an

originating computer;

(b) receiving within said handheld computing device a transmission of a tokenized

questionnaire from said originating computer, said tokenized questionnaire

comprising a plurality of tokens;

(c) ending said communications between said handheld computing device and said

originating computer;

(d) after said communications has been ended,

(d1) executing at least a portion of said plurality of tokens comprising said

questionnaire on said handheld computing device to collect at least one

response from a first user, and,

(d2) storing within said computing device said at least one response from the

first user;

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(e)   establishing communications between said handheld computing device and a recipient computer;

(f)   transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer; and,

(g)   after receipt of said transmission of step (f), transmitting a notice of said received value representative of each of said at least one response to a second user.

25.   (*New*) The method for managing data according to Claim 24, wherein the first user and the second user are a same user.

26.   (*New*) A method for managing data comprising the steps of:

(a)   within a central computer, accessing at least one user data item stored in a recipient computer, wherein said at least one data item is obtained via the steps of:

(1)   establishing communications between a handheld computing device and an originating computer;

(2)   receiving within said handheld computing device a transmission of a tokenized questionnaire, said tokenized questionnaire comprising a plurality of tokens;

(3)   ending said communications between said handheld computing device and said originating computer;

(4)   after said communications has been ended,

(i)   executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device,

(ii) presenting said at least one question to a user;

(iii) receiving at least one response from the user to each of said presented at least one question,

(iv) storing at least one value representative of said at least one response within said handheld computing device;

(5) establishing a communications link between said handheld computing device and a recipient computer;

(6) transmitting said stored at least one value representative of said at least one response stored within said handheld computing device to said recipient computer; and,

(7) storing within said recipient computer any of said transmitted at least one value representative of said at least one response, thereby creating said at least one user data item stored in said recipient computer; and,

(b) forming a visually perceptible report from any of said at least one stored user data item so accessed.

27. (*New*) The method according to Claim 26, wherein said central computer and said recipient computer are a same computer.

28. (*New*) A method for managing data comprising the steps of:

(a) establishing communications between a handheld computing device and an originating computer;

(b)   receiving within said handheld computing device a transmission of a tokenized

questionnaire, said tokenized questionnaire comprising a plurality of tokens;

(c)   ending said communications between said handheld computing device and said

originating computer;

(d)   after said communications have been ended,

(d1)   executing at least a portion of said plurality of tokens comprising said

questionnaire on said handheld computing device to collect at least one

item of data, and,

(d2)   storing within said handheld computing device said at least one item of

data;

(e)   establishing communications between said handheld computing device and a

recipient computer; and,

(f)   transmitting at least one value representative of said at least one item of data to

said recipient computer.

29.   (*New*) A method for managing data according to Claim 28, wherein at least one of said at

least one item of data is selected from a group consisting of a GPS location, a

temperature, an event timing, a current date, a current time, a user authentication

information, an item of text, a numeric item, a time stamp, a user response, and, a user

response to a question.

30.   (*New*) A method for managing data according to Claim 28, wherein said established communications between said handheld computing device and said originating computer is established using the Internet.

31.   (*New*) A method for managing data according to Claim 28, wherein said originating computer and said recipient computer are a same computer.

REMARKS

Claims **1-11** are pending in the application. Claims **1-11** stand as rejected in the Office Action. New claims **12-31** have been added. Reconsideration and allowance of Claims **1-31** is respectfully requested.

Amendments to the Specification

Not applicable.

Amendments to the Claims

Step (b) of Claim **9** has been amended to correct an obvious typographical error. As such, this amendment does not constitute new matter nor is it made to overcome prior art. Additionally, this claim has been amended to make clearer that the incremental changes that are transmitted to the remote computer and used in modifying the questionnaire that was transmitted there. This feature is discussed, among others, in paragraphs **[0020]** and **[0031]** of the instant application and, as such, this amendment does not constitute new matter.

New Claims **12-26** have been added to make clearer the invention claimed by Applicant.

Claim group **12-18** describes a method of managing data in which a connection is established between a handheld computing device and an originating computer, a tokenized questionnaire is transmitted to the handheld computing device, the communications are ended, the tokenized questionnaire is executed to collect at least one response from a user, and, after communications are again established, the at least one response is transmitted to a recipient computer. This series of steps in independent Claim **12** is described in great detail throughout

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the instant application (e.g., paragraphs [0047] to [0058]) and, as such, Claim 12, and claims dependent therefrom, do not constitute new matter.

New Claim 16 provides some examples of the types of questions that might be asked of a user including a waiting time question ([0066]), a food quality question ([0066]), a service quality question ([0066]), a store number ([0067]), a location ([0067]), a time question ([0067]), a date question ([0067]), a temperature question ([0070]), and a time of day question ([0081]).

Claim group 19-23 sets out claim language that covers a method in which a connection is established between a handheld computing device that has a capability of determining its current location and an originating computer, a tokenized questionnaire is transmitted to the handheld computing device, the communications are ended, the tokenized questionnaire is executed to collect at least the current location of the handheld, and, after communications are again established, at least one value representative of the then-current location is transmitted to a recipient computer. This series of steps in independent Claim 19 is generally described throughout the instant application (e.g., paragraphs [0047] to [0058]). Additionally, location determination is discussed in paragraph [0067], among others, and, as such, Claim 19, and claims dependent therefrom, do not constitute new matter.

Claims 24 and 25 claim methods substantially similar to those described above, but wherein an alert is sent to a second user after data has been uploaded. This feature of the invention is discussed [0077], among others. As such, these claims do not constitute new matter.

Claims 26 and 27 are substantially similar to those presented previously except that they contain the further step of accessing and using data collected via the previous methods. Accessing and using such data is, of course, discussed throughout the instant application including, for example, in paragraph [0062]. As such, these claims do not constitute new matter.

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Claim **28** is substantially similar to those described previously except that the questionnaire is said to collect at least one item of data. Such functionality is discussed throughout the instant application including, for example, paragraph **[0035]**. Additionally, and with respect to Claim **29**, examples of such a data item include a GPS location (**[0067]**), a temperature (**[0070]**), an event timing (**[0072]**), a current date (**[0032]**), a current time (**[0067]**), a user authentication information (**[0081]**), an item of text (**[0055]**), a numeric item (**[0055]**), a time stamp (**[0081]**), and a user response (discussed throughout, e.g., **[0059]**-**[0061]**). As such, these claims do not constitute new matter.

Finally, new Claims **30** and **31** adds a further limitation to Claim **26** in that these claims require that the communications between the handheld computing devices and the originating / recipient computers be established using the Internet. This capability is disclosed in, among others, paragraphs **[0026]** and **[0038]**. As such, these two claims do not constitute new matter.

CLAIM OBJECTIONS AND REJECTIONS

Double Patenting

Claims **1-11** stand as rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims **1-14** of USPN 7,822,816.

In reply, the Applicant has included herewith a terminal disclaimer that is believed to have made this rejection moot.

Claim Rejections – 35 USC 102

Claims **1**, **5**, and **7** stand as rejected under 35 USC 102(e) as being anticipated by Lew, et al., US Patent Pub. 2004/0210472.

It is said on page 6 of the Office Action that, with respect to Claim **1**, Lew teaches a method for managing data that includes the steps of:

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

(b) tokenizing said questionnaire [= 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 [= 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 [= feedback] from a user [= feed back from a user, paragraph 0036];

(e)   transmitting at least a portion of said response from the user to a server [= a

central facility] via a network [paragraph 0050]; and

(f)   storing said response at said server [= all feedback is transmitted to the central

facility, S6100 of Fig. 2 and paragraph 0048].

With respect to Claim **5**, it is said that Lew further teaches wherein the transmission of said tokens in step (c) occurs via the network of step (e).

Applicant respectfully disagrees that Claims **1**, **5**, and **7** of the instant application are anticipated by Lew. Specifically, Applicant believes that Lew fails to teach or suggest at least Applicant's steps of tokenizing said questionnaire and/or executing at least a portion of the plurality of tokens to collect a response from a user.

However, assuming only for purposes of argument that Lew does indeed teach or suggest each and every step of Applicant's claimed invention as set out in Claim **1**, Applicant hereby offers, pursuant to 37 CFR 1.131, the Inventor's Declaration that is attached hereto as Exhibit A, which declaration establishes conception of the instant invention prior to Lew's earliest claimed priority date and at least as early as January 1, 2002, coupled with diligence from prior to Lew's earliest priority date through the date of filing of this application.

Applicant additionally submits herewith pursuant to 37 CFR 1.131 and attached hereto as Exhibit "B," a document entitled "*Bama Companies, Inc. Field Service Survey Application Technical Design*" that is dated August 30, 2001 (hereinafter referred to as the "Technical Design") to provide further evidence regarding Applicant's conception of the invention as set forth in the claims.

It should be noted that both Exhibit A and Exhibit B have been previously presented to the Examiner in papers filed by the Applicant on September 24, 2007, and April 30, 2008, respectively, with Exhibit B being provided at the request of the Examiner to further establish Applicant's claim to priority. Additionally, the Examiner is reminded that he found Applicant's arguments in this regard persuasive as indicated in the Office Action of September 9, 2008 in paragraph 26, page 14.

Turning to Exhibit B, all of the steps of the method of at least Applicant's Claim 1 can be found in the Technical Design. It is believed that Applicant's attached declaration, in combination with the demonstration below, is clear evidence of the early conception of each of the independent claims of this application. Thus, and as an example only, the step-by-step elements of Claim 1 is set forth below with 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;

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, taken together Exhibits A and B conclusively establish Applicant's conception at least as early as January 1, 2002, and diligence from that date until the filing of the instant application. 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.

Further, Lew does not claim the same subject matter as that claimed by Applicant. As stated previously, the claims of the Lew reference do not recite "tokenizing said questionnaire", as is required by Claims **1**, **5**, and **7** of the instant application. As a consequence, and for at least this reason, these claims do not claim the same patentable invention as Lew. MPEP 715.

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 an August of 2002 provisional application. Thus, Applicant is 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 and other evidence, Lew has been removed as a prior-art reference with respect to the subject matter of the instant application. Reconsideration and allowance of Claim **1** is respectfully requested.

Additionally, and for at least the reasons set out above, Applicant respectfully requests reconsideration and allowance of Claims **5** and **7** which both depend from Claim **1** and have been rejected based on the same reference.

Claim Rejections – 35 USC 103

Claims **2-4**, **6**, and **9-11** stand as rejected under 35 USC 103(a) as being unpatentable over Lew as applied to Claim **1** and further in view of Sendowski.

In reply, Applicant notes that the foregoing has established a Claim **1** conception date at least as early as January 1, 2002, and diligence at least from that date until the instant filing date. As a consequence, Lew has been removed as a reference at least with respect to Claims **2-4** and **6**.

Further, Applicant's previous demonstration has additionally removed Sendowski as a reference at least with respect to these claims. Sendowski was filed March 29, 2002 and published October 23, 2003. However, the Applicant has conclusively demonstrated 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. Further, Sendowski does not claim the same invention as that claimed by the

Applicant. Each pending claim (1-51) of the Sendowski reference requires a "branch script object", whereas the claims of the instant application do not include such an element. As a consequence, at least Applicant's Claims **2-4** do not claim the same patentable invention as that claimed by Sendowski.

Still further, Sendowski, a pending application, published during the pendency of the instant application — i.e., Sendowski was published in October of 2003, and the instant application was filed in August of 2003 claiming the benefit of August of 2002. Thus, Applicant is 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 based on this reference for any reason is improper. Thus, Sendowski is traversed and **2-4** and **6** which depend from Claim **1** should be allowed to issue, which is respectfully requested.

With respect to Claims **9-11** as-amended, it is believed that Applicant's attached Declaration and other evidence have established a conception date for Claim **9** that predates both Lew and Sendowski.

Further, neither Lew nor Sendowski claim the same invention as that claimed by the Applicant. Each pending claim (1-51) of the Sendowski reference requires a "branch script object", whereas the claims of the instant application do not include such an element. As a consequence, at least Applicant's Claims **9-11** do not claim the same patentable invention as that claimed by Sendowski.

As stated previously, the claims of the Lew reference do not teach or suggest modifying a questionnaire with incremental changes as is required by Claims **9-11** of the instant application. As a consequence, and for at least this reason, Applicant's claims **9-11** do not claim the same patentable invention as Lew.

Still further, neither Sendowski, nor Lew bar Applicant's claims under 35 USCV 102(b) as has been discussed previously.

As a consequence, by virtue of the enclosed Declaration under Rule 1.131, Sendowski and/or Lew have been removed as prior-art references with respect to the subject matter of the instant application and rejection based on this reference for any reason is improper. Thus, Sendowski is traversed and Claims **9-11** should be allowed to issue, which is respectfully requested.

The Examiner has additionally rejected Claim **8** as being unpatentable over Sendowski as applied to Claim **7** and in view of Joao, US Pat. Pub. 2001/0056374. It is said that Sendowski does not explicitly show assessing a charge for each transferred response received by the central computer, but Joao does.

Claim **8** depends from Claim **7** from which, as Applicant has already established, Sendowski has been removed as a reference.

Thus, Claim **8** depends from a claim believed to be allowable and, as such, should similarly be allowed. Thus, reconsideration and allowance of the instant rejection is requested.

Applicant's Newly Presented Claims

Finally, and specifically with respect to Applicant's new claims, as has been indicated previously, it is believed that Lew and Sendowski have been removed as references and, thus, any rejection founded on one or the other of these references is improper .

However, assuming for purposes of argument that Applicant's previous 37 CFR 1.131 Declaration and additional information are not accepted for any reason, Applicant would additionally note that each of the new independent claims (i.e., Claims **12, 19, 24, 26,** and **28)** requires some variation of the steps: establish communications between an originating computer and a handheld device, transfer a tokenized questionnaire comprised of a plurality of tokens to the handheld device, end communications, execute at least a portion of the tokens to collect data of some sort, establish communications with a recipient computer, and transfer at least one value representative of the collected data to the recipient computer.

Nothing of record in the prior art performs each and every one of these steps. As such, it is believed that each of the new independent claims (as well as those claims that are dependent therefrom) is allowable over Lew, Sendowski, and/or Joao – either individually or in any combination.

As such, it is requested that Applicant's new claims be allowed to issue.

In addition, it is believed that rejection of any of the new claims of the instant application based on this combination of references would be improper.
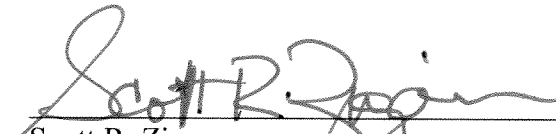
* * *

This paper is intended to constitute a complete response to the Examiner's Office Action mailed 03/16/2011.
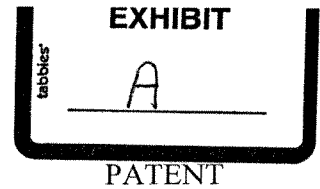
In view of the foregoing, Applicant submits that the rejections and objections offered in the Office Action have been overcome and should be withdrawn. It is further believed that the claims as-filed and as-amended are in condition for allowance which is respectfully requested. Early and favorable action is earnestly solicited.

Respectfully submitted,

September 16, 2011
_____
Date

Scott R. Zingerman
Scott R. Zingerman
Attorney/Agent for Applicant(s)
Reg. No. 35422
FELLERS, SNIDER, BLANKENSHIP,
  BAILEY & TIPPENS, P.C.

321 S. BOSTON, SUITE 800
TULSA, OK 74103-3318
Tel. 918/599-0621

#4988 v1 -

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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

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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

3

MacroSolve
data collection solutions...

Bama Companies, Inc.
Field Service Survey Application

Technical Design

Version 1.3
August 30, 2001

Document: BAMA Technical Design.doc

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
Geremy Ferguson	MacroSolve	Lead Developer	geremy@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: _____

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.
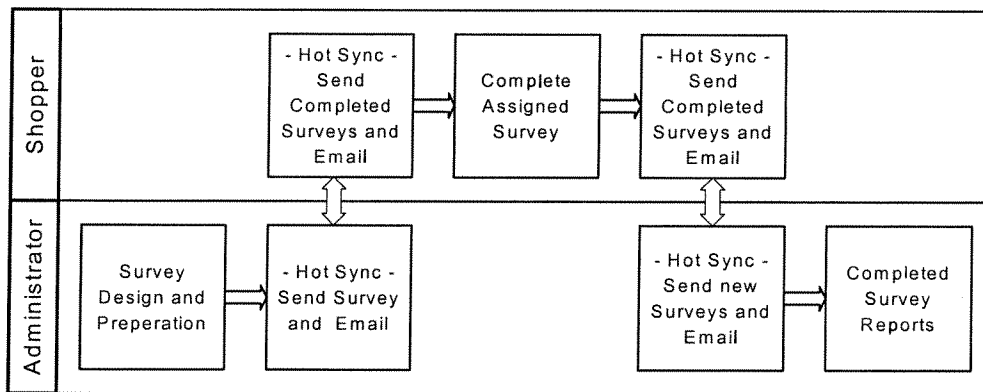
QUESTION TYPES

Text – Answers based upon words or phrases
- o Prompt Example: Describe the location of the filling.
- o Palm OS object used: Field

Scale – Answers are based upon a specified range of numbers
- o Prompt Example: Rate the color of the pie from 1 to 7:
- o Palm OS object used: Spinner

Numeric – Only a number is accepted as a correct answer
- o Prompt Example: Temperature of the pie?
- o Palm OS object used: Field

Multiple Choices – Several answers are given of which one must be chosen.
- o Prompt Example: Select the crust color:
- o Palm Os object used: Pull Down List

Date – Date will be accessed from the handheld unit. User will have the option to change it.
- o Prompt Example: Date of visit? 8/16/2001.
- o Palm OS object used: Field

Yes/No – Question in which only "Yes" or "No" are appropriate answers.
- o Prompt Example: Was the 2 for 1 special going on?
- o 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.

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.

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.
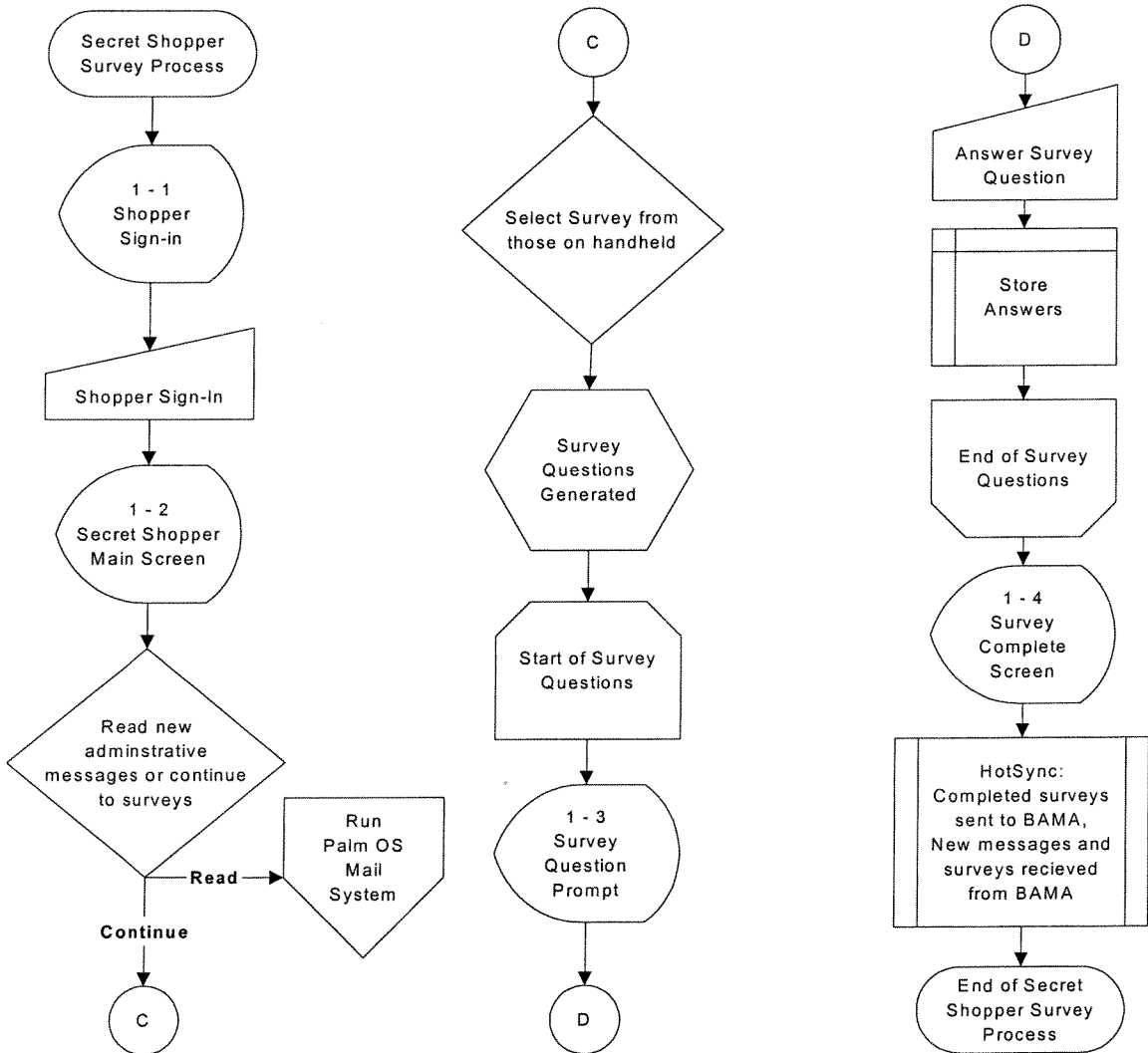
FLOW CHARTS

Bama Secret Shopper Sign-in
v0.11

BAMA

Secret Shopper Application

Sign-in: _____ (GO)

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

(MESSAGES) NEW
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 Questionaire

Shopper: _____
Store: _____
Product: _____

PIE QUESTIONAIRE

Was the two for $1.00 pie promotion going on?

(YES) (NO)

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 Questionaire Complete

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

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

THANK-YOU!

(SHOPPER SIGN-IN)

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

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
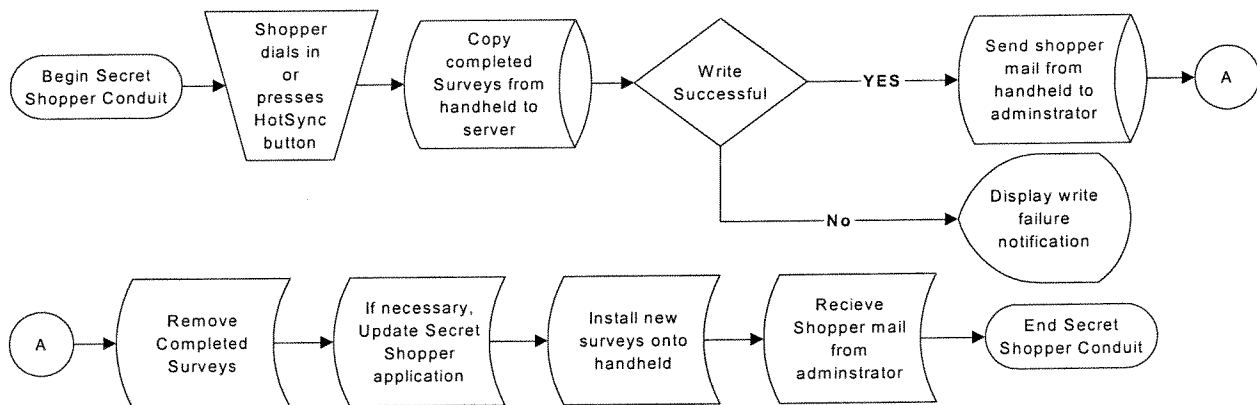
HotSync Server Overview

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.

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

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:
- Survey Name
- Survey Version
- Question Number

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 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

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

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	$24,425
500	$30,339

Part
11
Schedule

Project Schedule will be provide upon approval of Technical Design.

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/910,706	10/22/2010	J. David Payne	71855/10-351	8703

22206   7590   09/20/2012
FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA, OK 74103-3318

EXAMINER
TIV, BACKHEAN

ART UNIT	PAPER NUMBER
2451	

MAIL DATE	DELIVERY MODE
09/20/2012	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.

PTOL-90A (Rev. 04/07)

-- *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 *16 September 2011*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____ ; the restriction requirement and election have been incorporated into this action.
4) ☐ 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

5) ☒ Claim(s) *1-31* is/are pending in the application.
   5a) Of the above claim(s) _____ is/are withdrawn from consideration.
6) ☐ Claim(s) _____ is/are allowed.
7) ☒ Claim(s) *1-31* is/are rejected.
8) ☐ Claim(s) _____ is/are objected to.
9) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10) ☐ The specification is objected to by the Examiner.
11) ☐ 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).
12) ☐ 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

13) ☐ 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 *9/21/11*.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-31 are pending. Claims 12-31 were newly added. This is a response to the Remarks/Amendments filed on 9/16/11.

Note: This application has been assigned to a new examiner.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 9/21/11 has been considered.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-31 of the instance application are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 7,822,816. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitation of claims 1-31 of the instance application is overlapping with the limitation of claims 1-14 of U.S. Patent No. 7,822,816 in view of US Patent 5,704,029 issued to Wright, Jr.(Wright) , Warthen, US Publication 2002/0007303 issued to Brookler et al.(Brookler)., US Patent 6,477,373 issued to Rappaport et al.(Rappaport) and/or an obvious and well-known variant.

U.S. Patent No. 7,266,600	Instant Application No. 11/738,732
1. A method for managing data including the steps of:	1. A method for managing data including the steps of:
a) creating a questionnaire comprising a	(a) creating a questionnaire comprising a

series of questions;	series of questions;
(b) tokenizing said questionnaire; thereby producing a plurality of tokens representing said questionnaire;	(b) tokenizing said questionnaire; thereby producing a plurality of tokens representing said questionnaire;
(c) <u>establishing a first wireless modem or wireless LAN network connection with a remote computing device</u>;	
(d) transmitting said plurality of tokens to a remote computing device <u>via said first wireless modem or wireless LAN network connection</u>;	(c) transmitting said plurality of tokens to a remote computing device;
e) <u>terminating said first wireless modem or wireless LAN network connection with said remote computing device</u>;	
(f) <u>after said first wireless modem or wireless LAN network connection is terminated,</u> 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;	(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;
(g) <u>establishing a second wireless modem or wireless LAN network</u>	

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	(e) transmitting at least a portion of said response from the user to a server via a network; and
(i) storing said transmitted response at said server.	(f) storing said response at said server.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 12-31 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The applicant has provided para.0047-0058, for support for claims 12-31, however, those paragraph does not teach at least the limitation of, "ending said

communication between said handheld computing device and said originating

computer; after said communication has ended......", the closest support for this

limitation is para.0048,

> [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.

Which only describes that the network connection is unavailable. It does not

describe the "ending of communication", and after the communication has ended, to

perform the steps of (d1). Ending communication and a network connection being

unavailable are different as ending communication is an active step while having a

network connection being unavailable is merely the state of connection.

As per claim 15, recites the steps of "authenticate with said handheld computing

device.....(ii) only if the user is able to authenticate....(iii) if the user is unable to

authenticate", the closest support for this limitation is para. 0084, in which only

describes "optional authentication of users", this support is insufficient to support the

totality of claim 15.

As per claim 22, recites the steps of "determining at least one parameter.......",

the closest support is para.0070 which describes, "handheld computer is equipped with

GPS receiver", this support is insufficient to support the totality of claim 22.

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claims 7-11,18, 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 7,8, recites "making available on **the Web**", there is insufficient antecedent basis for this limitation in the claim.

As per claim 9-11, recites, the creation at a first site in a first computer located at a second site, where the first and second site is connected by a network, which is unclear and indefinite. As it unclear to the meaning of "site", it appears the specification recites only "site" as web site. In which, it is unclear how a first web site in a first computer can be located at a second web site.

As per claim 18 recites "**the Internet**", there is insufficient antecedent basis for this limitation in the claim.

As per claim 26, recites, "(b) forming a visually......user data **item so** accessed", it is unclear to what the applicant is claiming.

Claim Rejections - 35 USC § 103

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

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,704,029 issued to Wright, Jr.(Wright) in view of US Patent 6,584,464 issued to Warthen in view of US Publication 2002/0007303 issued to Brookler et al.(Brookler).

As per claim 1, Wright teaches a method for managing data including the steps of: (a) creating a questionnaire comprising a series of questions(Figs.1-11, Abstract); (b) thereby producing a plurality of tokens representing said questionnaire(Figs.1-11, Abstract); (c) transmitting said plurality of tokens to a remote computing device(col.13, lines 38-65); (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(col.13, lines 38-65).

Wright however does not explicitly teach tokenizing said questionnaire; (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. Wright however does suggest that the questionnaire is tokenized(Figs.1-11, Abstract, col.25, lines 1-50).

Warthen explicitly teaches the known art of tokenizing(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright to use the known method of tokenizing as taught by Warthen in order to provide the predictable result of tokenizing a survey.

One ordinary skill in the art would have been motivated to combine the teachings in order to produce electronic surveys and feedback(Wright, Abstract).

Wright in view of Warthen does not explicitly teach (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.

Brookler explicitly teaches (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(Fig.1, para.0033).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Warthen to include storing user's responses at the server as taught by Brookler in order to provide the predictable result of having all answered survey questions stored on the server.

One ordinary skill in the art would have been motivated to combine the teachings in order to have a central location, e.g. server, for all results of a survey which provides ease of access for the surveyors(Brookler, para.0002).

As per claim 2, 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(Wright, Figs.1-11, Abstract, Brookler, para.0051). Motivation to combine set forth in claim 1 and/or Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 3, the method for managing data of claim 1 wherein step (a) includes the substeps of: (a)creating a questionnaire by: (i) entering a series of questions into a questionnaire design computer program; (ii) identifying within said questionnaire design computer program the type of response allowed for each question of said series of questions; and (iii) identifying within said questionnaire design computer program a branching path in said questionnaire for each possible response to each question of said series of questions(Wright, Figs.1-11, Abstract). Motivation to combine set forth in claim 1 and/or Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 4, the method for managing data of claim 1 wherein step (b) includes the substeps of: (b) tokenizing said questionnaire thereby producing a plurality of tokens representing said questionnaire by: (i) assigning at least one token to each question of said series of questions; (ii) assigning at least one token to each response called for in said series of questions to identify the type of response required; and (iii) assigning at least one token to each branch in said questionnaire to identify the required program control associated with said branch(Wright, Figs.1-11, Abstract, Warthen, Abstract). Motivation to combine set forth in claim 1 and/or Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 5, the method of data management of claim 1 wherein the transmission of said tokens in step (c) occurs via the network of step (e) (Brookler, Fig.1). Motivation to combine set forth in claim 1 and/or Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 6, 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(Wright, Figs.1-11, col.16, lines50-55, Abstract, Warthen, Abstract). Motivation to combine set forth in claim 1 and/or Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claims 7, 9-11 rejected for the same reasons as set forth above or Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

Claims 8 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,704,029 issued to Wright, Jr.(Wright) in view of US Patent 6,584,464 issued to Warthen in view of US Publication 2002/0007303 issued to Brookler et al.(Brookler) in view of US Publication 2001/0056374 issued to Joao.

As per claim 8, Wright in view of Warthen in view of Brookler does not explicitly teach the method for collecting survey data according to claim 7 further comprising: (f) assessing a charge for each transferred response received by said central computer.

Joao explicitly teaches (f) assessing a charge for each transferred response received by said central computer(para.0230).

Therefore it would have been obvious to one ordinary skill in the art at the time of

the invention to modify the teachings of Wright in view of Warthen in view of Brookler to

include assessing a charge for each transferred response received by said central

computer as taught by Joao in order to receive compensation, a reward, a rebate,

and/or an incentive (Joao, para. 0009).

One ordinary skill in the art would have been motivated to combine the teachings

in order to facilitate commerce between any parties and/or any number of parties (Joao,

para. 0009).

Claims 12-14, 16-18, 24,25, 28-31 are rejected under 35 U.S.C. 103(a) as

being unpatentable over US Patent 5,704,029 issued to Wright, Jr.(Wright) in view

of US Patent 6,584,464 issued to Warthen in view of US Publication 2002/0007303

issued to Brookler et al.(Brookler) in view of US Patent 6,477,373 issued to

Rappaport et al.(Rappaport).

As per claim 12, Wright teaches a method for managing data comprising the

steps of: (a) establishing communications between a handheld computing device and

an originating computer; (b) receiving within said handheld computing device a

transmission of a questionnaire from said originating computer, said questionnaire

comprising a plurality of tokens; (d 1) executing at least a portion of said plurality of

tokens comprising said questionnaire on said handheld computing device to collect at

least one response from a user, and, (d2) storing within said computing device said at

least one response from the user(Fig.1-11, Abstract, col.13, lines 38-65).

Wright however does not explicitly teach tokenizing said questionnaire;(c) ending said

communications between said handheld computing device and said

originating computer; (d) after said communications has been ended,

(e) establishing communications between said handheld computing device and a

recipient computer; (f) transmitting a value representative of each of said at least one

response stored within said handheld computing device to said recipient computer.

Wright however does suggest that the questionnaire is tokenized(Figs.1-11,

Abstract, col.25, lines 1-50).

Warthen explicitly teaches the known art of tokenizing(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of

the invention to modify the teachings of Wright to use the known method of tokenizing

as taught by Warthen in order to provide the predictable result of tokenizing a survey.

One ordinary skill in the art would have been motivated to combine the teachings

in order to produce electronic surveys and feedback(Wright, Abstract).

Wright in view of Warthen does not explicitly teach ;(c) ending said

communications between said handheld computing device and said originating

computer; (d) after said communications has been ended, (e) establishing

communications between said handheld computing device and a recipient computer; (f)

transmitting a value representative of each of said at least one response stored within

said handheld computing device to said recipient computer.

Brookler explicitly teaches (f) transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer(Fig.1, para.0033).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Warthen to include transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer as taught by Brookler in order to provide the predictable result of having all answered survey questions stored on the server.

One ordinary skill in the art would have been motivated to combine the teachings in order to have a central location, e.g. server, for all results of a survey which provides ease of access for the surveyors(Brookler, para.0002).

Wright in view of Warthen in view of Brookler does not explicitly teach ;(c) ending said communications between said handheld computing device and said originating computer; (d) after said communications has been ended, (e) establishing communications between said handheld computing device and a recipient computer.

Rappaport explicitly teaches the known art of connection failure and reconnecting of mobile devices(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Warthen in view of Brookler to include the known art of connection failure and reconnecting of mobile devices as

taught by Rappaport in order to provide the predictable result of when connection fails,

the mobile device reconnects and sends information once there is a connection.

One ordinary skill in the art would have been motivated to combine the teachings

in order to provide reconnection to transfer information to a server.

As per claim 13, the method for managing data according to Claim 12, wherein

step (b) comprises the steps of: (b 1) creating a questionnaire, (b2) tokenizing said

questionnaire, thereby producing a plurality of tokens representing said questionnaire,

(b3) storing said plurality of tokens on a computer readable medium accessible

by said originating computer, (b4) accessing said stored plurality of tokens from said

originating computer, (b5) transmitting said stored plurality of tokens from said

originating computer to said handheld computing device, and, (b6) receiving within said

handheld computing device said transmission of said tokenized questionnaire from said

originating computer(Wright, Figs.1-11, col.16, lines50-55, Abstract, Warthen, Abstract).

Motivation to combine set forth in claim 1 and/or Official Notice is taken; the feature is

well known and obvious to one ordinary skill in the art.

As per claim 14, the method for managing data according to Claim 12, wherein

said originating computer and said recipient computer are a same computer(Wright,

Figs.1-11, col.16, lines50-55, Abstract, Warthen, Abstract). Motivation to combine set

forth in claim 1 and/or Official Notice is taken; the feature is well known and obvious to

one ordinary skill in the art.

As per claim 16, the method for managing data according to Claim 12, wherein

said questionnaire comprises at least one question(Wright, Figs.1-11, col.16, lines50-

55, Abstract, Warthen, Abstract). Motivation to combine set forth in claim 1 and/or

Official Notice is taken; the feature is well known and obvious to one ordinary skill in the

art.

As per claim 17, the method for managing data according to Claim 16, wherein at

least one of said at least one question is selected from a group consisting of a food

quality question, a service quality question, a waiting time question, a store number

question, a location question, a time question, a date question, a temperature question,

and a time of day question(Wright, Figs.1-11, col.16, lines50-55, Abstract, Warthen,

Abstract). Motivation to combine set forth in claim 1 and/or Official Notice is taken; the

feature is well known and obvious to one ordinary skill in the art.

As per claim 18, the method for managing data according to Claim 12, wherein

step (a) comprises the step of establishing communications via the Internet between

said handheld computing device and said originating computer(Wright, Figs.1-11,

col.16, lines50-55, Abstract, Warthen, Abstract). Motivation to combine set forth in claim

1 and/or Official Notice is taken; the feature is well known and obvious to one ordinary

skill in the art.

As per claim 24 rejected for the same reasons as set for above, and further (g)

after receipt of said transmission of step (f), transmitting a notice of said received

value representative of each of said at least one response to a second user(Brookler,

para.0033) or Official Notice is taken; the feature is well known and obvious to one

ordinary skill in the art.

As per claims 25,28-31 rejected for the same reasons as set forth above or

Official Notice is taken; the feature is well known and obvious to one ordinary skill in the

art.

Claims 15 rejected under 35 U.S.C. 103(a) as being unpatentable over US

Patent 5,704,029 issued to Wright, Jr.(Wright) in view of US Patent 6,584,464

issued to Warthen in view of US Publication 2002/0007303 issued to Brookler et

al.(Brookler) in view of US Patent 6,477,373 issued to Rappaport et al.(Rappaport)

in view of US Publication 2002/0137524 issued to Bade et al.(Bade).

Wright in view of Warthen in view of Brookler in view of Rappaport teaches As

per claim 15, the method for managing data according to Claim 12, wherein said step

(dl) comprises the steps of: executing at least a portion of said plurality of tokens

comprising said questionnaire on said handheld computing device to collect at least one

response from a user.

However does not explicitly teach the art of authentication.

Bade explicitly teaches the well known method of authentication(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of

the invention to modify the teachings of Warthen in view of Brookler in view of

Rappaport to include the known method of authentication as taught by Bade in order to

provide the predictable result of authentication of a device.

One ordinary skill in the art would have been motivated to combine the teachings

in order to provide security for a mobile device and information.

Claims 19-23, 26, 27 rejected under 35 U.S.C. 103(a) as being unpatentable

over US Patent 5,704,029 issued to Wright, Jr.(Wright) in view of US Patent

6,584,464 issued to Warthen in view of in view of US Patent 6,477,373 issued to

Rappaport et al.(Rappaport) in view of US Patent 6,462,708 issued to Tsujimoto et

al.(Tsujimoto).

As per claim 19 Wright teaches method for managing data comprising the steps

of: (a) establishing communications between a handheld computing device and an

originating computer, (b) receiving within said handheld computing device a

transmission of a questionnaire, said questionnaire comprising a plurality of tokens; (d

l) executing at least a portion of said plurality of tokens comprising said questionnaire on

said handheld computing device to (Figs.1-11, Abstract, col.25, lines 1-50).

Wright does not explicitly teach tokenizing a questionnaire;

(c) ending said communications between said handheld computing device and

said originating computer; (d) after said communications has been terminated, (e)

establishing communications between said handheld computing device and a

recipient computer;

said handheld device having at least a capability to determine a current location

thereof; collect at least said current location of said handheld computing device, and,

(d2) storing within said handheld computing device said current location; (f) transmitting

at least one value representative of said stored current location to said recipient

computer.

Warthen explicitly teaches the known art of tokenizing(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of

the invention to modify the teachings of Wright to use the known method of tokenizing

as taught by Warthen in order to provide the predictable result of tokenizing a survey.

One ordinary skill in the art would have been motivated to combine the teachings

in order to produce electronic surveys and feedback(Wright, Abstract).

Wright in view of Warthen does not explicitly teach

(c) ending said communications between said handheld computing device and

said originating computer; (d) after said communications has been terminated, (e)

establishing communications between said handheld computing device and a

recipient computer;

said handheld device having at least a capability to determine a current location

thereof; collect at least said current location of said handheld computing device, and,

(d2) storing within said handheld computing device said current location; (f) transmitting

at least one value representative of said stored current location to said recipient

computer.

Rappaport explicitly teaches the known art of connection failure and reconnecting

of mobile devices(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of

the invention to modify the teachings of Wright in view of Warthen to include the known

art of connection failure and reconnecting of mobile devices as taught by Rappaport in

order to provide the predictable result of when connection fails, the mobile device

reconnects and sends information once there is a connection.

One ordinary skill in the art would have been motivated to combine the teachings

in order to provide reconnection to transfer information to a server.

Wright in view of Warthen in view of Rappaport does not explicitly teach

said handheld device having at least a capability to determine a current location thereof;

collect at least said current location of said handheld computing device, and,

(d2) storing within said handheld computing device said current location; (f) transmitting

at least one value representative of said stored current location to said recipient

computer.

Tsujimoto explicitly teaches the known system of a mobile device with a GPS to

determine location(col.1, lines 17-20).

Therefore it would have been obvious to one ordinary skill in the art at the time of

the invention to modify the teachings of Wright in view of Warthen in view of Rappaport

to include the use of GPS for mobile devices as taught by Tsujimoto in order to provide

the predictable result of a determination of a GPS location of a mobile device.

One ordinary skill in the art would have been motivated to combine the teachings

in order to determine of a GPS location of a mobile device.

As per claim 20, the method for managing data according to Claim 19 wherein said current location of said handheld computing device is determined using GPS(Tsujimoto, col.1, lines 17-20). Motivation to combine set forth in claim 1 and/or Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 21, the method for managing data according to Claim 19, wherein said originating computer and said recipient computer are a same computer(Wright, Figs.1-11, col.16, lines50-55, Abstract, Warthen, Abstract). Motivation to combine set forth in claim 1 and/or Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 22, the method for managing data according to Claim 19, wherein step (d2) comprises the steps of: (i) determining at least one parameter value based on said current location, (ii) storing within said handheld computing device said current location, (iii) storing within said handheld computing device said determined at least one parameter value; and, wherein step (f) comprises the steps of: (fl) transmitting a value representative of said stored current location to said recipient computer, and, (t2) transmitting at least one of said at least one stored parameter value to said recipient computer(Wright, Figs.1-11, col.16, lines50-55, Abstract, Warthen, Abstract, Tsujimoto, col.1, lines 17-20). Motivation to combine set forth in claim 1 and/or Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 23, the method for managing data according to Claim 22, wherein each of said at least one parameter value is selected from a group consisting of a store

number, a store location, a time of day, and a date(Wright, Figs.1-11, col.16, lines50-55,

Abstract, Warthen, Abstract, Tsujimoto, col.1, lines 17-20). Motivation to combine set

forth in claim 1 and/or Official Notice is taken; the feature is well known and obvious to

one ordinary skill in the art.

As per claims 26, 27 rejected for the same reasons as set forth above or Official

Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

Claim Rejections - 35 USC § 102

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.

Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by

Lew et al., United States Patent Publication Number 2004/0210472 (hereinafter

Lew).

As per claim 1, Lew teaches a method for managing data [see abstract] including

the steps of: (a) creating a questionnaire [= survey] comprising a series of questions

[paragraphs 0005-0009]; (b) tokenizing said questionnaire [= 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 [= 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 [= feedback] from a user [= feed

back from a user, paragraph 0036]; (e) transmitting at least a portion of said response

from the user to a server [= a central facility] via a network [paragraph 0050]; and (f)

storing said response at said server [= all feedback is transmitted to the central facility,

S6100 of fig.2 and paragraph 0048].

As per claim 5, Lew further teaches wherein the transmission of said tokens in

step (c) occurs via the network of step (e) [fig.3].

Claim 7 is rejected under 35 U.S.C. 102(e) as being anticipated by

Sendowski et al., United States Patent Publication Number 2003/0198934

(hereinafter Sendowski).

As per claim 7, Sendowski teaches a method for collecting survey data from a

user [see abstract] comprising: (a) designing a questionnaire [= survey] having

branching logic [= branch script object 124] on a first computer platform [= web server

121] [paragraphs 0023-0028 and 0041-0048]; (b) automatically transferring said

designed questionnaire to at least one loosely networked computer [= automatically

generate an HTML question page or question form, paragraph 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 [= 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

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

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

Claims 2-4, 6, and 9-11 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lew as applied in claim 1 above, in view of Sendowski et al.,

U.S. Patent Application Publication No. 2003/0198934 (hereinafter Sendowski).

As per 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 of managing data, Sendowski discloses the step of: (g) translating

said response to a format recognizable [= XML data structural] by a particular computer

program [= 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 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].

As per claim 3, Lew does not explicitly show wherein step (a) includes the sub-steps 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 of managing data, Sendowski discloses wherein step (a) includes the sub-steps 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 [= 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 [paragraph 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

been motivated in order to support thousands of concurrent users when it is required

[Sendowski, paragraph 0005].

As per claim 4, Lew does not explicitly show wherein step (b) includes the sub-

steps 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.

In a method of managing data, Sendowski discloses wherein step (b) includes

the sub-steps 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 [= 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 [= allows the answer to be collected into a name

toke, 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

been motivated in order to support thousands of concurrent users when it is required

[Sendowski, paragraph 0005].

As per 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 [= survey] at a first site [= modulator 10] in a first computer [= 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 [= remote responding device] via said network, said remote computer

running an OIS [paragraph 0053];

However, Lew does not explicitly show step (c) modifying said questionnaire with

incremental changes at a third site in said first computer located at said second site;

and step (d) modifying said questionnaire in said remote computer with said incremental

changes.

In a method of managing data, Sendowski discloses step (c) modifying said questionnaire with incremental changes at a third site in said first computer located at said second site [= TSLastModified of table 2 and paragraph 0058]; and step (d) modifying said questionnaire in said remote computer with said incremental changes [= 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 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].

As per claim 10,11 Lew further teaches wherein said first site and said third site are the same [fig.1] and teaches wherein said third site is at said remote computer [fig.1].

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sendowski, as applied in claim 7 above, in view of Joao, U.S. Patent Application Publication No. 2001/0056374 (hereinafter Joao).

As per 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

Applicant's arguments filed 9/16/11 have been fully considered but they are not persuasive.

The applicant has not overcome the Double Patent Rejection, no Terminal Disclaimer was filed.

The applicant has filed a Declaration under 37 CFR 1.131 to try to overcome Lew. However, the Declaration filed on 9/16/11, is deemed to be insufficient.

The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Lew reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by 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 evidence submitted is insufficient to establish diligence from a date prior to

the date of reduction to practice of the Lew reference to either a constructive reduction

to practice or an actual reduction to practice. It is unclear to what Exhibit B is showing.

As on page 2(7) of the Declaration, the applicant states that Exhibit B is a schedule and

percentage of time employees spend on programming, however nowhere in Exhibit B

does it shows what the applicant contends. It is unclear to what the applicant intends for

Exhibit B to show, conception, diligence, or actual/constructive reduction to practice as

required.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the

references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are

applied to the specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested from the applicant in preparing

responses, to fully consider the references in its entirety as potentially teaching of all or

part of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BACKHEAN TIV whose telephone number is (571)272-5654. The examiner can normally be reached on M-T 7-5.

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). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Backhean Tiv/
Primary Examiner, Art Unit 2451

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/910,706	10/22/2010	J. David Payne	71855/10-351	8703

22206   7590   11/16/2012
FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA, OK 74103-3318

EXAMINER
TIV, BACKHEAN

ART UNIT	PAPER NUMBER
2451	

MAIL DATE	DELIVERY MODE
11/16/2012	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.

	Application No.	Applicant(s)
Applicant-Initiated Interview Summary	12/910,706	PAYNE, J. DAVID
	Examiner	Art Unit
	BACKHEAN TIV	2451

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

(1) *BACKHEAN TIV*.   (3) *TERRY WATT(42214)*.

(2) *SCOTT ZINGERMAN(35422)*.   (4) *JAMES MCGILL*.

   Date of Interview: *11/15/12*.

   Type: ☒ Telephonic   ☐ Video Conference
              ☐ Personal [copy given to: ☐ applicant   ☐ applicant's representative]

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

Issues Discussed   ☐101 ☒112 ☐102 ☒103 ☒Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: *ALL*.

Identification of prior art discussed: *PRIOR ART OF RECORD*.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

THE APPLICANT DESCRIBED THE INVENTION AS IT RELATES TO DATA COLLECTION FOR MOBILE DEVICES, IN WHICH A SERVER HAVING "A PROGRAM"(QUESTIONNAIRE) WHICH IS DEVICE INDEPENDENT IS SENT TO USERS OF A MOBILE DEVICE AND A SERIES OF QUESTIONS ARE ASKED OF THE CLIENT. THIS INFORMATION FIRST STORED ON THE DEVICE AND THEN CONNECTS TO THE SERVER FOR TRANSMISSION AND STORAGE. THE APPLICANT ALSO DESCRIBED THAT BEFORE THE INFORMATION OF THE QUESTIONNAIRE IS DELETED THAT THERE IS A VERIFICATION PROCESS OF WHETHER THE DATA WAS SUCESSFULLY RECEIVED BY THE SERVER. DISCUSSED WHETHER,THE SPECIFICATION SUPPORTS THE LIMITATION OF "ENDING COMMUNICATION", THE APPLICANT POINTS TO THE PROVISIONAL APPLICATION, APPENDIX 3(PAGE 26) STEP 4, WHERE A REMOTE USER LOGINS AND THAT IT'S INHERENT THAT THIS IS AN ACTIVE "DISCONNECT"/"ENDING OF COMMUNICATION" THROUGH THE USE OF LOGOUT. THE APPLICANT FURTHER DESCRIBES TOKENIZATION/TOKENS AS HAVING SEVERAL SPECIAL MEANING, E.G. LOGICAL, MATHMATICAL OR BRANCHING OPERATION. DISCUSS EVIDENCE SUBMISSION TO SHOW DUE DILIGENCE. THE APPLICANT IS ADVISED TO CLARIFY THE RECORD TO WHICH WAY THE APPLICANT IS TRYING TO SHOW PRIORITY OF THE INVENTION UNDER 131, ACTUAL REDUCTION TO PRATICE OR CONSTRUCTIVE REDUCTION TO PRATICE. THE APPLICANT INTENDS TO FILE TERMINAL DISCLAIMER. ALL ARGUMENTS AND/OR EVIDENCE SHOULD BE FORMALLY SUBMITTED WITH SPECIFIC LOCATION FOR SUPPORT FOR ANY AMENDMENTS MADE. THE EXAMINER WILL RE-CONSIDER THE ART AND APPLICANT'S ARGUMENT. NO AGREEMENT WAS REACHED .

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/Backhean Tiv/
Primary Examiner, Art Unit 2451

Summary of Record of Interview Requirements

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

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

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

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

———

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.
It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

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

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

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

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.
A complete and proper recordation of the substance of any interview should include at least the following applicable items:
1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.
Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Payne	Confirmation No.: 8703
Application No.: 12/910,706	Art Unit: 2451
Filed: 10/22/2010	
Title: SYSTEM AND METHOD FOR DATA MANAGEMENT	Examiner: BACKHEAN TIV
Attorney Docket No.: 71855/10-351	

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 20, 2012. Please consider the instant filing to be a Petition for a One Month Extension of Time to Respond. A charge to a credit card will be authorized through EFS Web filing. 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:

In the claims:

This listing of claims will replace all prior versions and listings of the claims in this application.

1.   (*Previously Presented*) 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.   (*Previously Presented*) 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.   (*Previously Presented*) 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.   (*Previously Presented*) 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.   (*Previously Presented*) 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.   (*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

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.   (*Currently Amended*) A method for collecting survey data from a user and making

responses available on the Web, 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.   (*Previously Presented*) The method for collecting survey data according to claim 7

further comprising:

(f)   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]] location in a first computer located at a

        second [[site]] location, said first [[site]] location and said second [[site]] location

        being connected by a network; tokenizing said questionnaire;

(b)   transmitting said tokenized 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]] location

        in said first computer located at said second [[site]] location; tokenizing said

        incremental changes;

(d)   transmitting said tokenized incremental changes from said first computer to said

        remote computer via said network; and,

(e)   modifying said questionnaire in said remote computer with said incremental

        changes.

10.   (*Currently Amended*) The method for managing data transfers between computers according to claim 9 wherein said first [[site]] location and said third [[site]] location are the same.

11.   (*Currently Amended*) The method for managing data transfers between computers according to claim 9 wherein said third [[site]] location is at said remote computer.

12.   (*Previously Presented*) A method for managing data comprising the steps of:

(a)   establishing communications between a handheld computing device and an originating computer;

(b)   receiving within said handheld computing device a transmission of a tokenized questionnaire from said originating computer, said tokenized questionnaire comprising a plurality of tokens;

(c)   ending said communications between said handheld computing device and said originating computer;

(d)   after said communications has been ended,

(d1)   executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a user, and,

(d2)   storing within said computing device said at least one response from the user;

(e)   establishing communications between said handheld computing device and a

recipient computer; and,

(f)   transmitting a value representative of each of said at least one response stored

within said handheld computing device to said recipient computer.

13.   (*Previously Presented*) The method for managing data according to Claim 12, wherein

step (b) comprises the steps of:

      (b1)   creating a questionnaire,

      (b2)   tokenizing said questionnaire, thereby producing a plurality of tokens

            representing said questionnaire,

      (b3)   storing said plurality of tokens on a computer readable medium accessible

            by said originating computer,

      (b4)   accessing said stored plurality of tokens from said originating computer,

      (b5)   transmitting said stored plurality of tokens from said originating computer

            to said handheld computing device, and,

      (b6)   receiving within said handheld computing device said transmission of said

            tokenized questionnaire from said originating computer

14.   (*Previously Presented*) The method for managing data according to Claim 12, wherein

said originating computer and said recipient computer are a same computer.

15.   (*Previously Presented*) The method for managing data according to Claim 12, wherein said step (d1) comprises the steps of:

        (i)   requiring a user to authenticate with said handheld computing device,

        (ii)   only if the user is able to authenticate with said handheld computing device, executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a user, and,

        (iii)   if the user is unable to authenticate with said handheld computing device, taking no further action.

16.   (*Previously Presented*) The method for managing data according to Claim 12, wherein said questionnaire comprises at least one question.

17.   (*Previously Presented*) The method for managing data according to Claim 16, wherein at least one of said at least one question is selected from a group consisting of a food quality question, a service quality question, a waiting time question, a store number question, a location question, a time question, a date question, a temperature question, and a time of day question.

18.   (*Currently Amended*) The method for managing data according to Claim 12, wherein step (a) comprises the step of establishing communications via ~~the Internet~~ <u>a global</u>

computer network between said handheld computing device and said originating

computer.

19.   (*Previously Presented*) A method for managing data comprising the steps of:

(a)   establishing communications between a handheld computing device and an

originating computer, said handheld device having at least a capability to

determine a current location thereof;

(b)   receiving within said handheld computing device a transmission of a tokenized

questionnaire, said tokenized questionnaire comprising a plurality of tokens;

(c)   ending said communications between said handheld computing device and said

originating computer;

(d)   after said communications has been terminated,

(d1)   executing at least a portion of said plurality of tokens comprising said

questionnaire on said handheld computing device to collect at least said

current location of said handheld computing device, and,

(d2)   storing within said handheld computing device said current location;

(e)   establishing communications between said handheld computing device and a

recipient computer; and,

(f)   transmitting at least one value representative of said stored current location to said

recipient computer.

20.   (*Previously Presented*) The method for managing data according to Claim 19 wherein

said current location of said handheld computing device is determined using GPS.

21.   (*Previously Presented*) The method for managing data according to Claim 19, wherein

said originating computer and said recipient computer are a same computer.

22.   (*Canceled*)

23.   (*Canceled*)

24.   (*Previously Presented*) A method for managing data comprising the steps of:

(a)   establishing communications between a handheld computing device and an

originating computer;

(b)   receiving within said handheld computing device a transmission of a tokenized

questionnaire from said originating computer, said tokenized questionnaire

comprising a plurality of tokens;

(c)   ending said communications between said handheld computing device and said

originating computer;

(d)   after said communications has been ended,

(d1)   executing at least a portion of said plurality of tokens comprising said

questionnaire on said handheld computing device to collect at least one

response from a first user, and,

(d2)   storing within said computing device said at least one response from the

        first user;

(e)   establishing communications between said handheld computing device and a

    recipient computer;

(f)   transmitting a value representative of each of said at least one response stored

    within said handheld computing device to said recipient computer; and,

(g)   after receipt of said transmission of step (f), transmitting a notice of said received

    value representative of each of said at least one response to a second user.

25.   (*Previously Presented*) The method for managing data according to Claim 24, wherein

the first user and the second user are a same user.

26.   (*Currently Amended*) A method for managing data comprising the steps of:

(a)   within a central computer, accessing at least one user data item stored in a

    recipient computer, wherein said at least one data item is obtained via the steps of:

    (1)   establishing communications between a handheld computing device and

        an originating computer;

    (2)   receiving within said handheld computing device a transmission of a

        tokenized questionnaire, said tokenized questionnaire comprising a

        plurality of tokens;

    (3)   ending said communications between said handheld computing device and

        said originating computer;

(4)   after said communications has been ended,

    (i)   executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device,

    (ii)   presenting said at least one question to a user;

    (iii)   receiving at least one response from the user to each of said presented at least one question,

    (iv)   storing at least one value representative of said at least one response within said handheld computing device;

(5)   establishing a communications link between said handheld computing device and a recipient computer;

(6)   transmitting said stored at least one value representative of said at least one response stored within said handheld computing device to said recipient computer; and,

(7)   storing within said recipient computer any of said transmitted at least one value representative of said at least one response, thereby creating said at least one user data item stored in said recipient computer; and,

(b)   forming a visually perceptible report from any of said at least one stored user data item ~~so accessed~~.

27.   (*Previously Presented*) The method according to Claim 26, wherein said central computer and said recipient computer are a same computer.

28.   (*Previously Presented*) A method for managing data comprising the steps of:

(a)   establishing communications between a handheld computing device and an

originating computer;

(b)   receiving within said handheld computing device a transmission of a tokenized

questionnaire, said tokenized questionnaire comprising a plurality of tokens;

(c)   ending said communications between said handheld computing device and said

originating computer;

(d)   after said communications have been ended,

(d1)   executing at least a portion of said plurality of tokens comprising said

questionnaire on said handheld computing device to collect at least one

item of data, and,

(d2)   storing within said handheld computing device said at least one item of

data;

(e)   establishing communications between said handheld computing device and a

recipient computer; and,

(f)   transmitting at least one value representative of said at least one item of data to

said recipient computer.

29.   (*Previously Presented*) A method for managing data according to Claim 28, wherein at

least one of said at least one item of data is selected from a group consisting of a GPS

location, a temperature, an event timing, a current date, a current time, a user

authentication information, an item of text, a numeric item, a time stamp, a user response,

and, a user response to a question.

30.   (*Previously Presented*) A method for managing data according to Claim 28, wherein said

established communications between said handheld computing device and said

originating computer is established using the Internet.

31.   (*Previously Presented*) A method for managing data according to Claim 28, wherein said

originating computer and said recipient computer are a same computer.

REMARKS

Claims 1-31 are pending in the application. Claims 1-31 stand as rejected in the Office Action. By way of this Amendment and Response, claims 7, 9, 10, 11, 18 and 26 are amended. Claims 22 and 23 are canceled without prejudice. Reconsideration and allowance of claims 1-21 and 24-31 is respectfully requested.

Double Patenting

In the Office Action, claims 1-31 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 7,822,816. Pursuant to 37 C.F.R. 1.321, Applicants herewith submit a terminal disclaimer. Accordingly, the double patenting rejection in the Office Action is overcome. Reconsideration and allowance of claims 1-31 is respectfully requested.

Claim Rejections - 35 USC § 112

Claims 12-31 are rejected in the Office Action under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Reconsideration and allowance of claims 12-31 is respectfully requested.

Claims 12-31 stand as rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. It is said that these claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor at the time the application was filed had possession of the claimed invention. It is further said that the Applicant has provided support in the specification for claims 12-31, but that those paragraphs do not teach at least the limitation of, "ending said

communication between said handheld computing device and said originating computer". It is further said that the passage relied upon by the Applicant only describes that the network connectivity is unavailable. It is said that this does not describe the step of "ending of communication", and after the communication has ended to perform the step of (d1). Finally, the Examiner states that any communication or network connection being unavailable are different as any communication is an "active step" whereas having a network connection being unavailable is merely a state of the connection.

In reply, and as an initial matter, the Examiner apparently accepts that Applicant's step of "establishing communications", which is undeniably an "active step", is fully supported in the application. In Examiner's view, the specification does not reasonably convey that instant inventor contemplated an active disconnection from an available network. However, acceptance of that premise leads to the inevitable conclusion (*reductio ad absurdum*) that the inventor intended that the invention would establish a connection to a remote server (an active step) and then *never* actively terminate that connection but, instead, rely on the failure of the network to perform that function. That view is obviously misplaced.

In brief, Applicant believes that the step of "ending the connection" is inherent in the instant disclosure.

By way of support, Applicant would first direct the Examiner's attention to Appendix 3 (pg. 26), step 4 of the Provisional Application to which this application claims priority (USSN 60/404,491). Attention is specifically directed to the following passage from this reference:

> 4.   A remote user, upon <u>successful login</u>, receives a set of small cryptic
> instructions transferred to the PDA.

As was discussed with the Examiner during the teleconference of November 15, 2012, Applicant believes that this passage clearly supports the claim language "establishing communications" of claim step 12(a), and the Examiner has not challenged this. However, those of ordinary skill in the art would immediately recognize that a statement that teaches the step of "login" would inherently teach an ability to "logout", an active step.

Attention is further directed to pg. 24 of the same Appendix wherein under the heading "Preferred Feature List" it is indicated that "user authentication based on encrypted user name and password" is a feature of the instant invention. Once again, applicant believes it is inherent that if a login is provided that a logout would also be provided and such logout would in fact be precisely the "active step" which occurs while the network connection is still available.

Finally, consider the definition of "log in" from the 1994 edition of the "IBM Dictionary of Computing", attached herewith as Exhibit C:

> **log in** ... (2) To begin a session with a remote resource.

Id. At page 401 (underlining added). The definition of "session" from that same reference is as follows:

> **session** (1) In network architecture, for the purpose of data communication between functional units, all the activities which take place during the establishment, maintenance, and release of the connection.

Id. At p. 615.

Thus, based on standard industry definitions that were in use from a time before the instant application was filed, the act of logging in begins a session that inherently contemplates there will ultimately be a release of the connection, an active step.

As such, it is believed that Applicant's reference to "login" inherently contemplates an active release of the connection, an operation that is distinct from a disconnection caused by the unavailability of the network. Thus, it is believed that the claim language "ending said communications between said handheld computing device and said originating computer" is fully and inherently supported by at least the reference to a "login" in the instant provisional application.

In view of the foregoing it is believe the instant rejection under §112 is improper and the claims rejected on this basis should be allowed to issue.

Claim 15 has been rejected in the Office Action in that it recites the steps of "authenticate with said handheld computing device...(ii) only if the user is able to authenticate...(iiii) if the user is unable to authenticate" wherein reference is made to ¶[0084] which describes "optional authentication of users". Applicant further cites to the Provisional Application (USSN 60/404,491), Appendix 2 (pg. 24) which additionally recites "[u]ser authentication based on encrypted user name and password." Additionally, Appendix 3 of the Provisional Application recites "4. A remote user, upon successfully login, receives a set of small cryptic instructions transferred to the PDA." Accordingly, the Applicant's disclosure recites that the user authenticates with a user name and password and upon successful login receives a small set of instructions. Applicant submits that a person having ordinary skill in the art would readily understand that if login is unsuccessful (the user is unable to authenticate with the handheld computing device) that no further action would be taken. Accordingly, Applicant submits that support for the recitation of claim 15 can be found in Applicant's disclosure. Reconsideration and allowance of claim 15 is respectfully requested.

The Office Action further rejects claim 22 in that it recites the steps of "determining at least one parameter value based on said current location". The Office Action cites to ¶[0070] which describes "handheld computer is equipped with GPS receiver." Applicant has canceled claims 22 and 23 without prejudice by way of this Amendment and Response. Accordingly, the rejection of claim 22 is moot.

Claims 7-11, 18, 26 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In light of the above amendments, reconsideration of claims 7-11, 18, and 26 is respectfully requested.

Claims 7 and 8 are rejected as reciting "making available on **the Web**" as lacking sufficient antecedent basis for this limitation in the claim. Claim **7** has been amended to recite "[a] method for collecting survey data from a user <u>and making responses available on the Web,</u> comprising". Accordingly, sufficient antecedent basis is provided for the term "the Web" in claims 7 and 8.

Claims 9-11 are rejected as reciting the term "site" which it is asserted in the Office Action to be unclear and indefinite. Applicant has replaced the term "site" with the term "location". Applicant's amendment to claims 9-11 makes it clear that the word "site" recited therein refers to a location and not a website.

With regard to claim 18 which is rejected in the Office Action for reciting "the Internet", Applicant has replaced the term "the Internet" with "a global computer network." Support for this amendment can be found in Applicant's ¶[0076] and elsewhere.

Claim 26 has been rejected in the Office Action as reciting "(b) forming a visually ... user data item so accessed". Claim 26 has been amended herein to delete the term "so accessed."

In light of the above-identified amendments to claims 7-11, 18, and 26, the rejection in the Office Action under 35 U.S.C. §112, second paragraph, is overcome. Reconsideration and allowance of claims 7-11, 18, and 26 is respectfully requested.

Claim Rejections - 35 USC § 103

Claims 1-7, 9-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,704,029 issued to Wright, Jr. (hereinafter the "Wright Reference") in view of U.S. Patent 6,584,464 issued to Warthen (hereinafter the "Warthen Reference") in view of U.S. Publication 2002/0007303 issued to Brookler, et al. (hereinafter the "Brookler Reference"). Reconsideration of claims 1-7, and 9-11 is respectfully requested.

Applicant's claim 1 recites "(b) tokenizing said questionnaire; thereby producing a plurality of tokens representing said questionnaire." Claim 9 has been amended herein to recite "(a) creating a tokenized questionnaire at a first location at a first computer located at a second location."

Applicant agrees with the Office Action in that Wright does not explicitly teach tokenizing a questionnaire. Applicant disagrees however, with the Office Action and submits that Wright does not even suggest that the questionnaire is tokenized.

The Office Action, however, asserts that the Warthen Reference explicitly teaches "the known art of tokenizing (Abstract)". Applicant respectfully disagrees. Although the Warthen References uses the word "tokenizing" (abstract and elsewhere), this term is used in a substantially different manner than in Applicant's claim 1 and 9.

With regard to the Warthen Reference, column 5, lines 28-30 read "Tokenizer **150** converts the initial user query into a list of words and provides the list to parser **155**." Then in the abstract Warthen reads:

> In some systems, the question processor includes a tokenizer for tokenizing the initial user query into a list of words, a parser for generating a syntactic structure from the list of words, a normalizer for reducing the syntactic structure to a canonical syntactic structure, and a matcher for matching the canonical syntactic structure against a semantic network to obtain a weighted list of well-formed questions representative of possible semantic meanings for the initial user query.

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

In contrast, tokenizing is much different pursuant to Applicant's disclosure and specifically ¶¶[0054] and [0055] which reads:

> [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.

Thus, pursuant to Applicant's claims 1 and 9, a plurality of tokens are transmitted to the remote computing device and at least a portion of them are executed. Those tokens are executed by the remote device to create a questionnaire. A token of Applicant's claims 1 and 9 is not a list of words as defined by the Warthen Reference. As a result the Warthen Reference does not teach tokenizing as recited in Applicant's claims 1 and 9.

Additionally, and significantly, claim 1 recites "(d) executing at least a portion of said plurality of tokens representing said questionnaire at said remote computing device..." As stated above, at least a portion of the tokens are commands instructions and those instructions are executed by the remote computer. Neither the Wright Reference, Warthen Reference, nor the Brookler Reference teach or suggest executing the tokens at the remote computer.

In sum it would not have been obvious to one having ordinary skill in the art at the time of the Applicant's invention to modify the Wright Reference with the Warthen and Brookler

References as asserted in the Office Action to arrive at the method of Applicant's claims 1 and 9. As a result the rejection in the Office Action of claims 1 and 9 under 35 U.S.C. §103(a) is overcome. Reconsideration and allowance of claims 1 and 9 is respectfully requested.

Claims 2-7 depend from claim 9 and are allowable at least for the reasons set forth with regard to claim 1. Reconsideration and allowance of claims 2-7 is respectfully requested.

Claims 10-11 depend from claim 9 and are allowable at least for the reasons set forth above with regard to claim 9. Reconsideration and allowance of claims 10-11 is respectfully requested.

Claim 8 is rejected in the Office Action under 35 U.S.C. §103(a) as being unpatentable over the Wright Reference in view of the Warthen Reference, in view of the Brookler Reference in view of U.S. Publication 2001/0056374 issued to Joao (hereinafter the "Joao Reference"). Claim 8 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 8 is respectfully requested.

Claims 12-14, 16-18, 24, 25, 28-31 are rejected in the Office Action under 35 U.S.C. §103(a) as being unpatentable over the Wright Reference, in view of the Warthen Reference, in view of the Brookler Reference, in view of U.S. Patent 6,477,373 issued to Rappaport et al. (the "Rappaport Reference"). Reconsideration of claims 12-14, 16-18, 24, 25, and 28-31 is respectfully requested.

Applicant's claims 12, 24 and 28 recite "receiving within said handheld computing device a transmission of a tokenized questionnaire". Applicant incorporates herein by reference the remarks set forth above with regard to claims 1 and 9. Specifically, as set forth above, neither the Wright Reference, the Warthen Reference, nor the Brookler Reference teach or

suggest tokenizing. Moreover, the Rappaport Reference also does not teach tokenizing as set forth in Applicant's claims 12, 24 and 28. As a result, and for the reasons set forth above, the rejection of claims 12, 24 and 28 under 35 U.S.C. §103(a) is overcome. Reconsideration and allowance of claims 12, 24 and 28 is respectfully requested.

Claims 29-31 depend from claim 28 and are allowable at least for the reasons set forth above with regard to claim 28. Reconsideration and allowance of claims 29-31 is respectfully requested.

Claims 13, 14, and 16-18 depend from claim 12 and are allowable at least for the reasons set forth above with regard to claim 12. Reconsideration and allowance of claims 13, 14, and 16-18 is respectfully requested.

Claim 25 depends from claim 24 and is allowable at least for the reasons set forth above with regard to claim 24. Reconsideration and allowance of claim 25 is respectfully requested.

Claim 15 is rejected in the Office Action under 35 U.S.C. §103(a) as being unpatentable over the Wright Reference, in view of the Warthen Reference, in view of the Brookler Reference, in view of the Rappaport Reference, in view of U.S. Publication 2002/0137524 issued to Bade, et al. (hereinafter the "Bade Reference"). Claim 15 depends from claim 12 and is allowable at least for the reasons set forth above with regard to claim 15. Reconsideration and allowance of claim 15 is respectfully requested.

Claims 19-23, 26, and 27 are rejected in the Office Action under 35 U.S.C. §103(a) as being unpatentable over the Wright Reference, in view of the Warthen Reference, in view of the Rappaport Reference, in view of U.S. Patent 6,462,708 issued to Tsujimoto, et al. (hereinafter the "Tsujimoto Reference"). Reconsideration of claims 19-23, 26, and 27 is respectfully requested.

Applicant's claims 19 and 26 recite "receiving within said handheld computing device a transmission of a tokenized questionnaire". Applicant incorporates herein by reference the remarks set forth above with regard to claims 1 and 9. Specifically, as set forth above neither the Wright Reference, the Warthen Reference, the Brookler Reference, nor the Rappaport Reference teach or suggest tokenizing. Moreover, the Tsujimoto Reference also does not teach tokenizing as set forth in Applicant's claims 19 and 26. As a result, and for the reasons set forth above, the rejection of claims 19 and 26 under 35 U.S.C. §103(a) is overcome. Reconsideration and allowance of claims 19 and 26 is respectfully requested.

Claims 20-21 depend from claim 19 and are allowable at least for the reasons set forth above with regard to claim 19. Claims 22 and 23 have been canceled herein. Reconsideration and allowance of claims 20 and 21 is respectfully requested.

Claim 27 depends from claim 26 and is allowable at least for the reasons set forth above with regard to claim 26. Reconsideration and allowance of claim 27 is respectfully requested.

Claim Rejections - 35 USC § 102

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. Publication No. 2004/0210472 (hereinafter the "Lew Reference").

It is said on page 22 of the Office Action that, with respect to Claim 1, the Lew Reference teaches a method for managing data that includes the steps of:

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

(b)   tokenizing said questionnaire [= 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 [= 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 [= feedback] from a user [= feed back from a user, paragraph 0036];

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

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

With respect to claim 5, it is said that Lew further teaches wherein the transmission of said tokens in step (c) occurs via the network of step (e).

Applicant respectfully disagrees that claims 1 and 5 of the instant application are anticipated by the Lew Reference. Specifically, Applicant believes that the Lew Reference fails to teach or suggest at least Applicant's steps of tokenizing said questionnaire and/or executing at least a portion of the plurality of tokens to collect a response from a user.

However, assuming only for purposes of argument that the Lew Reference does indeed teach or suggest each and every step of Applicant's claimed invention as set out in claim 1, Applicant has previously offered, pursuant to 37 C.F.R. §1.131, the Inventor's Declaration that

was attached to the Amendment and Response dated September 16, 2011 as Exhibit A, incorporated fully herein by reference, which declaration establishes conception of the instant invention prior to the earliest claimed priority date of the Lew Reference and at least as early as January 1, 2002. However, in the Office Action it is asserted that the evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Lew Reference to either a constructive reduction to practice or actual reduction to practice. Specifically, the issue appears to relate to Exhibit B which portends in the Declaration to be a schedule and percentage of time employees spent on programming. Applicant submits that the Exhibit attached to the declaration was the wrong Exhibit B. Applicant submits herein as Exhibit A the inventor's declaration of prior invention under 37 C.F.R. §1.131. The declaration attached hereto includes a correct Exhibit B which supports the table set forth in paragraph 8 of the declaration. As set forth in paragraphs 8 and 9 of the declaration supported by Exhibit B, between January 1, 2002 and August 2002 approximately 3,990 hours were spent by the inventor and others under the direction of the inventor diligently and without interruption on the (anyforms) invention which was the subject matter of the provisional patent application (USSN 60/404,491) which was filed on August 19, 2002, the date which the present application ultimately claims benefit.

Applicant additionally submitted pursuant to 37 §CFR 1.131 and attached as Exhibit B, to the previous amendment and response dated September 16, 2011 a document entitled *"Bama Companies, Inc. Field Service Survey Application Technical Design"* that is dated August 30, 2001 (hereinafter referred to as the "Technical Design") to provide further evidence regarding

Applicant's conception of the invention as set forth in the claims, attached as Exhibit B to the previous one and incorporated herein fully by reference.

It should be noted that Exhibit A and the correct Exhibit B have been previously presented to the Examiner in papers filed by the Applicant on September 24, 2007, and April 30, 2008, respectively, with Exhibit B being provided at the request of the Examiner to further establish Applicant's claim to priority. Additionally, the Examiner found Applicant's arguments in this regard persuasive as indicated in the Office Action.

As set forth in Applicant's amendment and response dated September 16, 2011, all of the steps of the method of at least Applicant's claim 1 can be found in the technical design document attached as Exhibit B to the previous amendment and response and incorporated fully herein. The Exhibit B attached hereto, as stated above, establishes diligence from a date prior to the date of reduction of practice of the Lew Reference, January 1, 2002 to Applicant's constructive reduction to practice date, the filing date of the provisional patent application on August 19, 2002.

Accordingly, taken all together, Exhibits A and B attached to the Applicant's Amendment and Response dated September 16, 2011 coupled with Exhibits A and B attached hereto inclusively establish Applicant's conception at least as early as January 1, 2002 and diligence from that date until the filing of the instant application. 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. Further, Lew does not claim the same subject matter as that claimed by Applicant. As stated previously, the claims of the Lew Reference do not recite "tokenizing said questionnaire", as is required by claims 1 and 5 of the instant application. As a consequence, and

for at least this reason, these claims do not claim the same patentable invention as Lew. MPEP 715.

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 an August of 2002 provisional application. Thus, Applicant is not barred by Lew's published patent under 35 USC 102(b).

In sum, by virtue of the Declaration attached to the Applicant's Amendment and Response dated September 16, 2011, incorporated herein by reference, and the enclosed Declaration under Rule 1.131 and other evidence, the Lew Reference has been removed as a prior-art reference with respect to the subject matter of the instant application. Reconsideration and allowance of claim 1 is respectfully requested.

Additionally, and for at least the reasons set out above, Applicant respectfully requests reconsideration and allowance of claims 5 and 7 which both depend from claim 1 and have been rejected based on the same reference.

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

Applicant's previous demonstration has additionally removed the Sendowski Reference at least with respect to these claims. Sendowski was filed March 29, 2002 and published October 23, 2003. However, the Applicant has conclusively demonstrated in the Declaration attached as Exhibit A to the Amendment and Response dated September 16, 2011 and the Technical Design document attached as Exhibit B as set forth above and incorporated herein

fully by reference, that he conceived at least as early as January 1, 2002, and pursuant to the

Declaration attached as Exhibit A hereto with its attachment Exhibit B 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.

In addition, Sendowski does not claim the same invention as that claimed by the

Applicant. Each pending claim (1-51) of the Sendowski Reference requires a "branch script

object", whereas the claims of the instant application do not include such an element. As a

consequence, at least Claim 7 does not claim the same patentable invention as that claimed by the

Sendowski Reference.

Further, Sendowski, a pending application, published during the pendency of the instant

application — i.e., Sendowski was published in October of 2003, and the instant application was

filed in August of 2003 claiming the benefit of August of 2002. Thus, Applicant is not barred by

Sendowski's published patent under 35 USC 102(b).

As a consequence, by virtue of the Declarations and submissions under Rule 1.131, set

forth above, the Sendowski Reference has been removed as a prior-art reference with respect to

the subject matter of the instant application, and rejection based on this reference for any reason

is improper. Thus, Sendowski is traversed and claim 7 should be allowed to issue, which is

respectfully requested.

Claim Rejections - 35 USC § 103

Claims 2-4, 6, and 9-11 are rejected in the Office Action under 35 U.S.C. 103(a) as being

unpatentable over the Lew Reference as applied in claim 1 above, in view of the Sendowski

Reference. Claims 2-4 and 6 depend from claim 1 and are allowable at least for the reasons set forth above with regard to claim 1. Reconsideration and allowance of claims 2-4 and 6 is respectfully requested.

Applicant notes that the foregoing has established a claim 1 conception date at least as early as January 1, 2002, and diligence at least from that date until the instant filing date. As a consequence, Lew has been removed as a reference at least with respect to claims 2-4 and 6.

Further, Applicant's previous demonstration has additionally removed Sendowski as a reference at least with respect to these claims. Sendowski was filed March 29, 2002 and published October 23, 2003. However, the Applicant has conclusively demonstrated 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. Further, Sendowski does not claim the same invention as that claimed by the Applicant. Each pending claim (1-51) of the Sendowski reference requires a "branch script object", whereas the claims of the instant application do not include such an element. As a consequence, at least Applicant's claims 2-4 do not claim the same patentable invention as that claimed by Sendowski.

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

As a consequence, by virtue of the Declarations and submissions under Rule 1.131, set forth above, the Sendowski Reference has been removed as a prior-art reference with respect to the subject matter of the instant application, and rejection based on this reference for any reason is improper. Thus, Sendowski is traversed and claims 2-4 and 6 should be allowed to issue, which is respectfully requested.

With respect to Claims 9-11 as-amended, it is believed that Applicant's Declaration attached hereto, including the correct Exhibit B as well as the attachment B to the Amendment and Response dated September 16, 2011 incorporated herein fully by reference have established a conception date for claim **9** that predates both Lew and Sendowski coupled with the requisite diligence to Applicant's filing date on August 19, 2003, claiming priority from the United States Provisional Patent Application filed August 19, 2002.

Further, neither Lew nor Sendowski claim the same invention as that claimed by the Applicant. Each pending claim (1-51) of the Sendowski reference requires a "branch script object", whereas the claims of the instant application do not include such an element. As a consequence, at least Applicant's claims 9-11 do not claim the same patentable invention as that claimed by Sendowski.

As stated previously, the claims of the Lew reference do not teach or suggest modifying a questionnaire with incremental changes as is required by claims 9-11 of the instant application. As a consequence, and for at least this reason, Applicant's claims 9-11 do not claim the same patentable invention as Lew.

Still further, neither Sendowski, nor Lew bar Applicant's claims under 35 U.S.C. §102(b) as has been discussed previously.

As a consequence, by virtue of the enclosed Declaration under Rule 1.131, Sendowski and/or Lew have been removed as prior-art references with respect to the subject matter of the instant application and rejection based on this reference for any reason is improper. Thus, Sendowski is traversed and claims 9-11 should be allowed to issue, which is respectfully requested.

The Examiner has additionally rejected claim 8 as being unpatentable over Sendowski as applied to Claim 7 and in view of Joao, US Pat. Pub. 2001/0056374. It is said that Sendowski does not explicitly show assessing a charge for each transferred response received by the central computer, but Joao does.

Claim 8 depends from claim 7 from which, as Applicant has already established, Sendowski has been removed as a reference.
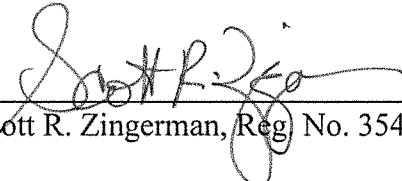
Thus, claim 8 depends from a claim believed to be allowable and, as such, should similarly be allowed. Thus, reconsideration and allowance of claim 8 is respectfully requested.
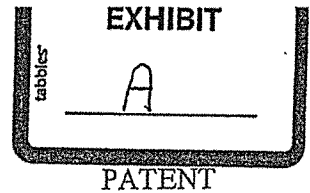
Conclusion

This paper is intended to constitute a complete response to the Examiner's Office Action

mailed September 20, 2012. 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: December 28, 2012   Scott R. Zingerman, Reg. No. 35422

Fellers, Snider, Blankenship, Bailey & Tippens
321 S. Boston Ave., Suite 800
Tulsa, OK 74103-3318
Attorneys for Applicant(s)
Tel.: 918-599-0621
Fax: 918-583-9659
Customer No. 22206

#21001-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).
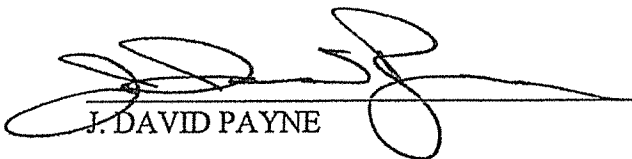
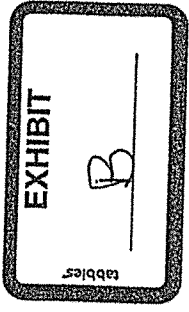| MONTH	NO. OF EMPLOYEES WORKING ON THE "ANYFORMS" PROJECT	AVERAGE PERCENTAGE OF EACH EMPLOYEE'S TIME	TOTAL HOURS DEVOTED TO "ANYFORMS"
Jan. 2002	6	8	80
Feb. 2002	6	12	120
Mar. 2002	6	18	170
Apr. 2002	7	38	430
May 2002	7	76	850
June 2002	9	83	1190
July 2002	9	80	1150
		TOTAL	3990

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

3

Employee 1

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

Employee 2

	anyforms	anycollect	Project Eng	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 Eng	Consulting	Support	Hardware	Royalty	MSI	TOTAL
January-02	10	25		5	5			55	100
February-02	10	40		10				40	100
March-02	20	75						5	100
April-02	30	60		5				5	100
May-02	97	0						3	100
June-02	97	0						3	100
July-02	97	0						3	100

Employee 4

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

Employee 6

	anyforms	anycollect	Project Eng	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 Eng	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%	100%
February-02	10%	20%						70%	100%
March-02	15%	50%						35%	100%
April-02	20%	50%						30%	100%
May-02	80%	5%						15%	100%
June-02	75%							25%	100%
July-02	50%							50%	100%

Employee 9

August

	anyforms	anycollect	Project Eng	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%

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OF COMPUTING

Compiled and edited by
GEORGE McDANIEL

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Tenth Edition (August 1993)

This is a major revision of the *IBM Dictionary of Computing,* SC20-1699-8, which is made obsolete by this edition. Changes are made periodically to the information provided herein.

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A portion of a physical volume
⁀m as a volume. (2) In the AIX
ι collection of physical partitions
ical partitions all contained in a
). Logical volumes are expandable
ral physical volumes in a volume

Manager In the AIX operating
hat manages disk space at a logical
fixed-disk resources by mapping
:al and physical storage, allowing
iguous, span multiple disks, repli-
ally expanded.

n The combination of storage and a
:ogram treated as a unit by the 3601
:ation Controller.

nputer security, a resident computer
ers the perpetration of an unauthor-
ticular states of the system are real-

'unctional design that uses formal
lescription, such as symbolic

evice that performs logic operations.

. graphic representation of a logic

) Synonym for gate. (2) See combi-
ment, sequential logic element.

'TAM, an error condition that results
equest (a program logic error).

)eprecated term for switching func-

ι An instruction in which the opera-
s a logic operation. (I) (A)

. (1) An operation that follows the
ic logic. (I) (A) (2) An operation
haracter of the result depends only on
ling character of each operand.
)ynonymous with logical operation.

ming A method for structuring pro-
of logical rules with predefined algo-
processing of input data to a program
: rules of that program. (T)

onym for logical shift.

logic short fault A fault in logic circuitry in which a
short circuit exists between logic blocks and that oper-
ates as if it were an additional logic block.

Note: The additional logic block can function either
as a logic AND or a logic OR.

logic symbol A symbol that represents an operator,
function, or functional relationship. (T) (A)

logic test In TPNS, a conditional test on an input or
output message, a counter, or other item using the
TPNS IF statement. The IF actions can be used to
control the message generation process.

logic unit (1) A part of a computer that performs
logic operations and related operations. (I) (A)
(2) See arithmetic and logic unit.

logic variable Deprecated term for switching variable.

log in (1) To begin a session at a display station.
(2) To begin a session with a remote resource.
(3) The act of identifying oneself as authorized to use
a resource. Often the system requires a user ID and
password to check authorization to use the resource.
(4) See also log on.

login In the AIX operating system, the act of gaining
access to a computer system by entering identification
and authentication information at the workstation.

login directory In the AIX operating system, the
directory accessed when a user first logs in to the
system.

login domain The location for the resources accessed
when a user first logs in to a network.

log-initiated checkpoint See simple checkpoint,
system scheduled checkpoint.

login name In the AIX operating system, string of
characters that uniquely identifies a user to the system.

login session In the AIX operating system, the period
of time during which a user of a workstation can com-
municate with an interactive system, usually the
elapsed time between log in and log off.

login shell In the AIX operating system, the shell that
is started when a user logs into the computer system.
See also shell.

logmode table Synonym for logon mode table.

logo A letter, combination of letters, or symbol that
identifies a product or company.

logical volume (1) A portion of a physical volume viewed by the system as a volume. (2) In the AIX operating system, a collection of physical partitions organized into logical partitions all contained in a single volume group. Logical volumes are expandable and can span several physical volumes in a volume group.

Logical Volume Manager In the AIX operating system, a program that manages disk space at a logical level. It controls fixed-disk resources by mapping data between logical and physical storage, allowing data to be discontiguous, span multiple disks, replicated, and dynamically expanded.

logical workstation The combination of storage and a 3601 application program treated as a unit by the 3601 Finance Communication Controller.

logic bomb In computer security, a resident computer program that triggers the perpetration of an unauthorized act when particular states of the system are realized.

logic design A functional design that uses formal methods of description, such as symbolic logic. (T) (A)

logic device A device that performs logic operations. (T) (A)

logic diagram A graphic representation of a logic design. (T) (A)

logic element (1) Synonym for gate. (2) See combinational logic element, sequential logic element.

logic error In VTAM, an error condition that results from an invalid request (a program logic error).

logic function Deprecated term for switching function.

logic instruction An instruction in which the operation part specifies a logic operation. (I) (A)

logic operation (1) An operation that follows the rules of symbolic logic. (I) (A) (2) An operation in which each character of the result depends only on the corresponding character of each operand. (I) (A) (3) Synonymous with logical operation.

logic programming A method for structuring programs as sets of logical rules with predefined algorithms for the processing of input data to a program according to the rules of that program. (T)

logic shift Synonym for logical shift.

logic short fault A fault in logic circuitry in which a short circuit exists between logic blocks and that operates as if it were an additional logic block.

Note: The additional logic block can function either as a logic AND or a logic OR.

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login shell In the AIX operating system, the shell that is started when a user logs into the computer system. See also shell.

logmode table Synonym for logon mode table.

logo A letter, combination of letters, or symbol that identifies a product or company.

log off (1) To end a session. Synonymous with log out. (T) (2) To request that a session be terminated. (3) See also sign-off.

logoff (1) The procedure by which a user ends a terminal session. (2) In VTAM, an unformatted session-termination request.

log on (1) To initiate a session. Synonymous with log in. (T) (2) In SNA products, to initiate a session between an application program and a logical unit (LU). (3) See also log in, sign-on.

logon (1) The procedure by which a user begins a terminal session. (2) In VTAM, an unformatted session-initiation request for a session between two logical units.

logon data (1) In VTAM, the user data portion of a field-formatted or unformatted session-initiation request. (2) In VTAM, the entire logon sequence or message from an LU. Synonymous with logon message.

logon-interpret routine In VTAM, an installation exit routine, associated with an interpret table entry, that translates logon information. It may also verify the logon.

logon message Synonym for logon data.

logon mode In VTAM, a subset of session parameters specified in a logon mode table for communication with a logical unit. See also session parameters.

logon mode table (1) In VTAM, a set of entries for one or more logon modes. Each logon mode is identified by a logon mode name. (2) In DPPX, a table in which each entry defines the characteristics of a session between two logical units.

logon request See logon.

logo screen On a personal computer, a hello screen that identifies the name and owner of an application software product.

log out Synonym for log off. (T)

logo window In SAA Advanced Common User Access architecture, a modal dialog box containing the application copyright notice and other information that identifies the application.

log tape write ahead (LTWA) In IMS/VS, an option that ensures that a database log record for a data change is written to the system log before the changed data are written to the database.

logtype entry In ACF/TCAM, a terminal-table entry associated with a queue on which complete messages reside while awaiting transfer to the logging medium. A logtype entry is not needed if message segments are only to be logged. See also cascade entry, group entry, line entry, process entry, single entry.

log write-ahead (LWA) In IMS/VS, the process of writing records of completed operations to the write-ahead data set before entering them in the online log data set.

long (1) In the AIX object data manager, a terminal descriptor type used to define a variable as a signed 4-byte number. See also terminal descriptor. (2) A signed 4-byte number.

long comment In the AS/400 system, up to a full-screen description of a field, record format, or file. Long comments are typed when the field, record format, or file is created or changed, and displayed either from IDDU or Query.

long constant In the AIX operating system, a 4-byte integer constant followed by the letter "l" or "L."

long format In binary floating-point storage formats, the 64-bit representation of a binary floating-point number, not-a-number, or infinity. Contrast with short format.

longitudinal magnetic recording A technique of magnetic recording in which magnetic polarities representing data is aligned along the length of the recording track. (T)

longitudinal offset loss In waveguide-to-waveguide coupling, synonym for gap loss. (E)

longitudinal parity check (1) A parity check on a row of binary digits that are members of a set forming a matrix; for example, a parity check on the bits of a track in a block on a magnetic tape. (T) (2) A system of error checking performed at the receiving station after a block check character has been accumulated. (3) See also transverse parity check. (4) Synonymous with longitudinal redundancy check.

longitudinal redundancy check (LRC) Synonym for longitudinal parity check.

longitudinal redundancy check character On a magnetic tape where each character is represented in a lateral row of bits, a character used for checking the parity of each track in the longitudinal direction. Such a character is usually the last character recorded in each block and is used in some magnetic recording systems to reestablish the initial recording status. (A)

long lens In photography, a telephoto lens.

service virtual machine In the VM/XA Migration Aid, a virtual machine that provides system services. These services include accounting, error recording, and services provided by licensed programs.

servo See servomechanism.

servo mark A standard mark printed below the print contrast mark. It is used by the printer to position the optical-mark-sensor head over the print contrast mark.

servomechanism (1) An automatic device that uses feedback to govern the physical position of an element. (A) (2) A feedback control system in which at least one of the system signals represents mechanical motion. (A)

SESSEND Session ended.

SESSER Session serialization.

session (1) In network architecture, for the purpose of data communication between functional units, all the activities which take place during the establishment, maintenance, and release of the connection. (T) (2) A logical connection between two network accessible units (NAUs) that can be activated, tailored to provide various protocols, and deactivated, as requested. Each session is uniquely identified in a transmission header (TH) accompanying any transmissions exchanged during the session. (3) The period of time during which a user of a terminal can communicate with an interactive system, usually, elapsed time between logon and logoff. (4) The activity of all tasks within a single System/38 RJEF subsystem communicating with a single host system. (5) In remote communications, a period of communication with a remote system or host system. (6) In the AS/400 system, the length of time that starts when a user signs on at a display station and ends when the user signs off. (7) In the AS/400 system with finance communications, a logical connection by which an AS/400 system communicates with a finance controller. (8) In the AS/400 system with RJE, the activity of all tasks within a single AS/400 system communicating with a single host system. (9) In the AS/400 system with 3270 emulation, the activity that occurs on the communications line between the time that the user enters the command to start emulation and the time the user ends the emulation job.

session activation In SNA, the process of exchanging a session activation request and a positive response between network addressable units (NAUs). See also LU-LU session initiation. Contrast with session deactivation.

session activation request In SNA, a request that activates a session between two network addressable units (NAUs) and specifies session parameters that control various protocols during session activity; for example, BIND and ACTPU. Contrast with session deactivation request.

session address space In VTAM, an ACB address space or an associated address space in which an OPNDST or OPNSEC macroinstruction is issued to establish a session. See also ACB address space, associated address space.

session awareness (SAW) data Data collected by the NetView program about a session that includes the session type, the names of session partners, and information about the session activation status. It is collected for LU-LU, SSCP-LU, SSCP-PU, and SSCP-SSCP sessions and for non-SNA terminals not supported by NTO. It can be displayed in various forms, such as most recent sessions lists.

SESSIONC indicators In VTAM, indicators that can be sent from one node to another without using SEND or RECEIVE macroinstructions; for example, SDT, clear, and STSN.

session collection The NPM subsystem that collects, monitors, and displays data collected in the host for analysis.

session connector A session-layer component in an APPN network node or in a subarea node boundary or gateway function that connects two stages of a session. Session connectors swap addresses from one address space to another for session-level intermediate routing, segment session message units as needed, and (except for gateway function session connectors) adaptively pace the session traffic in each direction. See also half-session.

session control (SC) In SNA: (a) one of the components of transmission control. Session control is used to purge data flowing in a session after an unrecoverable error occurs, resynchronize the data flow after such an error, and perform cryptographic verification; and (b) an RU category used for requests and responses exchanged between the session control components of a session and for session activation/deactivation requests and responses.

session control block (SCB) In NPM, control blocks in common storage area for session collection.

session control in-bound processing exit A user exit that receives control when certain request units (RUs) are received by VTAM.

session control record The first record in the chain of records in the transaction file of each display station.

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT	Docket Number (Optional) 71855/10-351

In re Application of: Payne

Application No.: 12/910,706

Filed: 10/22/2010

For: SYSTEM AND METHOD FOR DATA MANAGEMENT

The owner*, MacroSolve, Inc. , of _100_ percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. _7,822,816_ as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:
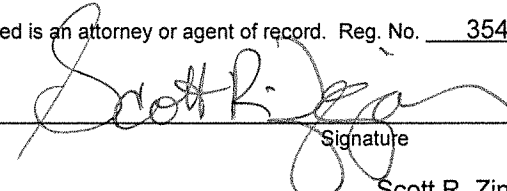   expires for failure to pay a maintenance fee;
    is held unenforceable;
    is found invalid by a court of competent jurisdiction;
    is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
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    is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

    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.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. _35422_

_____   December 28, 2012
Signature   Date

Scott R. Zingerman
Typed or printed name

918/599-0621
Telephone Number

☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

#21036-v1

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination
‖‖‖‖‖‖‖‖‖	12/910,706	PAYNE, J. DAVID

Document Code - DISQ	Internal Document – DO NOT MAIL

TERMINAL DISCLAIMER	☒ APPROVED	☐ DISAPPROVED
Date Filed : 12/28/12	**This patent is subject to a Terminal Disclaimer**	

Approved/Disapproved by:

Angie Walker

U.S. Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/910,706	10/22/2010	J. David Payne	71855/10-351	8703

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FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA, OK 74103-3318

EXAMINER
TIV, BACKHEAN

ART UNIT	PAPER NUMBER
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MAIL DATE	DELIVERY MODE
04/09/2013	PAPER

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

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

DETAILED ACTION

Claims 1-21, 24-31 are pending. Claims 22, 23 were cancelled. This is a response to the Remarks/Amendments filed on 12/28/12. This action is made **FINAL**.

Terminal Disclaimer

The terminal disclaimer filed on 12/28/12 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Information Disclosure Statement

The IDS filed on 1/16/13 is acknowledged and considered.

The IDS filed on 2/6/13, 2/11/13, 2/12/13 are acknowledged but were not considered. See *Requirement for Information* below, and a majority of the NPL and Foreign Patents are not legible.

Requirement for Information

M.P.E.P section 2004 (Aids to Compliance With Duty of Disclosure) recites the following:

13. It is desirable to avoid the submission of long lists of documents if it can be avoided. Eliminate clearly irrelevant and marginally pertinent cumulative information. If a long list is submitted, highlight those documents which have been specifically brought to applicant's attention and/or are known to be of most significance. See Penn Yan Boats, Inc. v. Sea Lark Boats, Inc., 359 F. Supp. 948, 175 USPQ 260 (S.D. Fla. 1972), aff 'd, 479 F.2d 1338, 178 USPQ 577 (5th Cir. 1973), cert. denied, 414 U.S. 874 (1974). But cf. Molins PLC v. Textron Inc., 48 F.3d 1172, 33 USPQ2d 1823 (Fed. Cir. 1995).

It is noted that the IDS of 2/6/13, 2/11/13, 2/12/13 represents multiple *thousands* of

pages of highly technical disclosure, which meets the test of a "long list". Therefore, the

determination of whether or not references are material to the patentability appears to

be an issue.

In the course of examining or treating a matter in a pending or abandoned

application filed under 35 U.S.C. **111** or **371** (including a reissue application), in a

patent, or in a reexamination proceeding, the examiner or other Office employee may

require the submission, from individuals identified under § **1.56(c)**, or any assignee, of

such information as may be reasonably necessary to properly examine or treat the

matter(CFR 1.105).

The references cited in the IDS of 2/6/13, 2/11/13, 2/12/13 will not be considered

until an *underlining* of the most relevant documents is provided. Please do not delineate

the references using a highlighter since the documents will be scanned and the

highlighted sections will not be visible. Applicant's forthcoming assistance is gratefully

anticipated.

Claim Rejections - 35 USC § 112

The following is a quotation of 35 U.S.C. 112(b):

(B) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out
and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming
the subject matter which the applicant regards as his invention.

Claims 7,8 rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards

as the invention.

As per claim 7,8, recites "**the Web**", there is insufficient antecedent basis for this

limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

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

Claims 1-7, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable

over US Patent 5,704,029 issued to Wright, Jr.(Wright) in view of US Patent

6,584,464 issued to Warthen in view of US Publication 2002/0007303 issued to

Brookler et al.(Brookler).

As per claim 1, Wright teaches a method for managing data including the steps

of: (a) creating a questionnaire comprising a series of questions(Figs.1-11, Abstract); (b)

thereby producing a plurality of tokens representing said questionnaire(Figs.1-11,

Abstract); (c) transmitting said plurality of tokens to a remote computing device(col.13,

lines 38-65); (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(col.13,

lines 38-65).

Wright however does not explicitly teach tokenizing said questionnaire; (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. Wright however does suggest that the questionnaire is tokenized(Figs.1-11, Abstract, col.25, lines 1-50).

Warthen explicitly teaches the known art of tokenizing(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright to use the known method of tokenizing as taught by Warthen in order to provide the predictable result of tokenizing a survey.

One ordinary skill in the art would have been motivated to combine the teachings in order to produce electronic surveys and feedback(Wright, Abstract).

Wright in view of Warthen does not explicitly teach (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.

Brookler explicitly teaches (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(Fig.1, para.0033).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Warthen to include storing user's responses at the server as taught by Brookler in order to provide the predictable result of having all answered survey questions stored on the server.

One ordinary skill in the art would have been motivated to combine the teachings in order to have a central location, e.g. server, for all results of a survey which provides ease of access for the surveyors(Brookler, para.0002).

As per claim 2, 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(Wright, Figs.1-11, Abstract, Brookler, para.0051). Motivation to combine set forth in claim 1 and/or Admitted Prior Art/Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 3, the method for managing data of claim 1 wherein step (a) includes the substeps of: (a)creating a questionnaire by: (i) entering a series of questions into a questionnaire design computer program; (ii) identifying within said questionnaire design computer program the type of response allowed for each question of said series of questions; and (iii) identifying within said questionnaire design computer program a branching path in said questionnaire for each possible response to each question of said series of questions(Wright, Figs.1-11, Abstract). Motivation to combine set forth in claim 1 and/or Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 4, the method for managing data of claim 1 wherein step (b) includes the substeps of: (b) tokenizing said questionnaire thereby producing a plurality of tokens representing said questionnaire by: (i) assigning at least one token to each

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

called for in said series of questions to identify the type of response required; and (iii)

assigning at least one token to each branch in said questionnaire to identify

the required program control associated with said branch(Wright, Figs.1-11, Abstract,

Warthen, Abstract). Motivation to combine set forth in claim 1 and/or Admitted Prior

Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in

the art.

As per claim 5, the method of data management of claim 1 wherein the

transmission of said tokens in step (c) occurs via the network of step (e) (Brookler,

Fig.1). Motivation to combine set forth in claim 1 and/or Admitted Prior Art/Official Notice

is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 6, 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(Wright, Figs.1-11, col.16, lines50-55, Abstract, Warthen,

Abstract). Motivation to combine set forth in claim 1 and/or Admitted Prior Art/Official

Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claims 7, 9-11 rejected for the same reasons as set forth above or Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

Claims 8 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,704,029 issued to Wright, Jr.(Wright) in view of US Patent 6,584,464 issued to Warthen in view of US Publication 2002/0007303 issued to Brookler et al.(Brookler) in view of US Publication 2001/0056374 issued to Joao.

As per claim 8, Wright in view of Warthen in view of Brookler does not explicitly teach the method for collecting survey data according to claim 7 further comprising: (f) assessing a charge for each transferred response received by said central computer.

Joao explicitly teaches (f) assessing a charge for each transferred response received by said central computer(para.0230).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Warthen in view of Brookler to include assessing a charge for each transferred response received by said central computer as taught by Joao in order to receive compensation, a reward, a rebate, and/or an incentive (Joao, para. 0009).

One ordinary skill in the art would have been motivated to combine the teachings in order to facilitate commerce between any parties and/or any number of parties (Joao, para. 0009).

Claims 12-14, 16-18, 24,25, 28-31 are rejected under 35 U.S.C. 103(a) as

being unpatentable over US Patent 5,704,029 issued to Wright, Jr.(Wright) in view

of US Patent 6,584,464 issued to Warthen in view of US Publication 2002/0007303

issued to Brookler et al.(Brookler) in view of US Patent 6,477,373 issued to

Rappaport et al.(Rappaport).

As per claim 12, Wright teaches a method for managing data comprising the

steps of: (a) establishing communications between a handheld computing device and

an originating computer; (b) receiving within said handheld computing device a

transmission of a questionnaire from said originating computer, said questionnaire

comprising a plurality of tokens; (d 1) executing at least a portion of said plurality of

tokens comprising said questionnaire on said handheld computing device to collect at

least one response from a user, and, (d2) storing within said computing device said at

least one response from the user(Fig.1-11, Abstract, col.13, lines 38-65).

Wright however does not explicitly teach tokenizing said questionnaire;(c) ending said

communications between said handheld computing device and said

originating computer; (d) after said communications has been ended,

(e) establishing communications between said handheld computing device and a

recipient computer; (f) transmitting a value representative of each of said at least one

response stored within said handheld computing device to said recipient computer.

Wright however does suggest that the questionnaire is tokenized(Figs.1-11,

Abstract, col.25, lines 1-50).

Warthen explicitly teaches the known art of tokenizing(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of

the invention to modify the teachings of Wright to use the known method of tokenizing

as taught by Warthen in order to provide the predictable result of tokenizing a survey.

One ordinary skill in the art would have been motivated to combine the teachings

in order to produce electronic surveys and feedback(Wright, Abstract).

Wright in view of Warthen does not explicitly teach ;(c) ending said

communications between said handheld computing device and said originating

computer; (d) after said communications has been ended, (e) establishing

communications between said handheld computing device and a recipient computer; (f)

transmitting a value representative of each of said at least one response stored within

said handheld computing device to said recipient computer.

Brookler explicitly teaches (f) transmitting a value representative of each of said

at least one response stored within said handheld computing device to said recipient

computer(Fig.1, para.0033).

Therefore it would have been obvious to one ordinary skill in the art at the time of

the invention to modify the teachings of Wright in view of Warthen to include

transmitting a value representative of each of said at least one response stored within

said handheld computing device to said recipient computer as taught by Brookler in

order to provide the predictable result of having all answered survey questions stored

on the server.

One ordinary skill in the art would have been motivated to combine the teachings in order to have a central location, e.g. server, for all results of a survey which provides ease of access for the surveyors(Brookler, para.0002).

Wright in view of Warthen in view of Brookler does not explicitly teach ;(c) ending said communications between said handheld computing device and said originating computer; (d) after said communications has been ended, (e) establishing communications between said handheld computing device and a recipient computer.

Rappaport explicitly teaches the known art of connection failure and reconnecting of mobile devices(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Warthen in view of Brookler to include the known art of connection failure and reconnecting of mobile devices as taught by Rappaport in order to provide the predictable result of when connection fails, the mobile device reconnects and sends information once there is a connection.

One ordinary skill in the art would have been motivated to combine the teachings in order to provide reconnection to transfer information to a server.

As per claim 13, the method for managing data according to Claim 12, wherein step (b) comprises the steps of: (b 1) creating a questionnaire, (b2) tokenizing said questionnaire, thereby producing a plurality of tokens representing said questionnaire, (b3) storing said plurality of tokens on a computer readable medium accessible by said originating computer, (b4) accessing said stored plurality of tokens from said originating computer, (b5) transmitting said stored plurality of tokens from said

originating computer to said handheld computing device, and, (b6) receiving within said

handheld computing device said transmission of said tokenized questionnaire from said

originating computer(Wright, Figs.1-11, col.16, lines50-55, Abstract, Warthen, Abstract).

Motivation to combine set forth in claim 1 and/or Admitted Prior Art/Official Notice is

taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 14, the method for managing data according to Claim 12, wherein

said originating computer and said recipient computer are a same computer(Wright,

Figs.1-11, col.16, lines50-55, Abstract, Warthen, Abstract). Motivation to combine set

forth in claim 1 and/or Admitted Prior Art/Official Notice is taken; the feature is well

known and obvious to one ordinary skill in the art.

As per claim 16, the method for managing data according to Claim 12, wherein

said questionnaire comprises at least one question(Wright, Figs.1-11, col.16, lines50-

55, Abstract, Warthen, Abstract). Motivation to combine set forth in claim 1 and/or

Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one

ordinary skill in the art.

As per claim 17, the method for managing data according to Claim 16, wherein at

least one of said at least one question is selected from a group consisting of a food

quality question, a service quality question, a waiting time question, a store number

question, a location question, a time question, a date question, a temperature question,

and a time of day question(Wright, Figs.1-11, col.16, lines50-55, Abstract, Warthen,

Abstract). Motivation to combine set forth in claim 1 and/or Admitted Prior Art/Official

Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 18, the method for managing data according to Claim 12, wherein

step (a) comprises the step of establishing communications via the Internet between

said handheld computing device and said originating computer(Wright, Figs.1-11,

col.16, lines50-55, Abstract, Warthen, Abstract). Motivation to combine set forth in claim

1 and/or Admitted Prior Art/Official Notice is taken; the feature is well known and

obvious to one ordinary skill in the art.

As per claim 24 rejected for the same reasons as set for above, and further (g)

after receipt of said transmission of step (f), transmitting a notice of said received

value representative of each of said at least one response to a second user(Brookler,

para.0033) or Admitted Prior Art/Official Notice is taken; the feature is well known and

obvious to one ordinary skill in the art.

As per claims 25,28-31 rejected for the same reasons as set forth above or

Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one

ordinary skill in the art.

Claims 15 rejected under 35 U.S.C. 103(a) as being unpatentable over US

Patent 5,704,029 issued to Wright, Jr.(Wright) in view of US Patent 6,584,464

issued to Warthen in view of US Publication 2002/0007303 issued to Brookler et

al.(Brookler) in view of US Patent 6,477,373 issued to Rappaport et al.(Rappaport)

in view of US Publication 2002/0137524 issued to Bade et al.(Bade).

Wright in view of Warthen in view of Brookler in view of Rappaport teaches As

per claim 15, the method for managing data according to Claim 12, wherein said step

(dl) comprises the steps of: executing at least a portion of said plurality of tokens

comprising said questionnaire on said handheld computing device to collect at least one response from a user.

However does not explicitly teach the art of authentication.

Bade explicitly teaches the well known method of authentication(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Warthen in view of Brookler in view of Rappaport to include the known method of authentication as taught by Bade in order to provide the predictable result of authentication of a device.

One ordinary skill in the art would have been motivated to combine the teachings in order to provide security for a mobile device and information.

Claims 19-21, 26, 27 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,704,029 issued to Wright, Jr.(Wright) in view of US Patent 6,584,464 issued to Warthen in view of in view of US Patent 6,477,373 issued to Rappaport et al.(Rappaport) in view of US Patent 6,462,708 issued to Tsujimoto et al.(Tsujimoto).

As per claim 19 Wright teaches method for managing data comprising the steps of: (a) establishing communications between a handheld computing device and an originating computer, (b) receiving within said handheld computing device a transmission of a questionnaire, said questionnaire comprising a plurality of tokens; (d l) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to (Figs.1-11, Abstract, col.25, lines 1-50).

Wright does not explicitly teach tokenizing a questionnaire;

(c) ending said communications between said handheld computing device and

said originating computer; (d) after said communications has been terminated, (e)

establishing communications between said handheld computing device and a

recipient computer;

said handheld device having at least a capability to determine a current location

thereof; collect at least said current location of said handheld computing device, and,

(d2) storing within said handheld computing device said current location; (f) transmitting

at least one value representative of said stored current location to said recipient

computer.

Warthen explicitly teaches the known art of tokenizing(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of

the invention to modify the teachings of Wright to use the known method of tokenizing

as taught by Warthen in order to provide the predictable result of tokenizing a survey.

One ordinary skill in the art would have been motivated to combine the teachings

in order to produce electronic surveys and feedback(Wright, Abstract).

Wright in view of Warthen does not explicitly teach

(c) ending said communications between said handheld computing device and

said originating computer; (d) after said communications has been terminated, (e)

establishing communications between said handheld computing device and a

recipient computer;

said handheld device having at least a capability to determine a current location

thereof; collect at least said current location of said handheld computing device, and,

(d2) storing within said handheld computing device said current location; (f) transmitting

at least one value representative of said stored current location to said recipient

computer.

Rappaport explicitly teaches the known art of connection failure and reconnecting

of mobile devices(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of

the invention to modify the teachings of Wright in view of Warthen to include the known

art of connection failure and reconnecting of mobile devices as taught by Rappaport in

order to provide the predictable result of when connection fails, the mobile device

reconnects and sends information once there is a connection.

One ordinary skill in the art would have been motivated to combine the teachings

in order to provide reconnection to transfer information to a server.

Wright in view of Warthen in view of Rappaport does not explicitly teach

said handheld device having at least a capability to determine a current location thereof;

collect at least said current location of said handheld computing device, and,

(d2) storing within said handheld computing device said current location; (f) transmitting

at least one value representative of said stored current location to said recipient

computer.

Tsujimoto explicitly teaches the known system of a mobile device with a GPS to

determine location(col.1, lines 17-20).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Warthen in view of Rappaport to include the use of GPS for mobile devices as taught by Tsujimoto in order to provide the predictable result of a determination of a GPS location of a mobile device.

One ordinary skill in the art would have been motivated to combine the teachings in order to determine of a GPS location of a mobile device.

As per claim 20, the method for managing data according to Claim 19 wherein said current location of said handheld computing device is determined using GPS(Tsujimoto, col.1, lines 17-20). Motivation to combine set forth in claim 1 and/or Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 21, the method for managing data according to Claim 19, wherein said originating computer and said recipient computer are a same computer(Wright, Figs.1-11, col.16, lines50-55, Abstract, Warthen, Abstract). Motivation to combine set forth in claim 1 and/or Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claims 26, 27 rejected for the same reasons as set forth above or Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

Response to Arguments

All objections/rejection not specifically addressed below are withdrawn due to applicant's remarks/amendments. The Declaration under CFR 1.131 is sufficient to overcome the Lew and Sendowski, those rejections are withdrawn.

The applicant has not challenged the Official Notice that was taken, therefore based upon MPEP 2144.03(C), the common knowledge or well-known statement is taken to be admitted prior art.

Applicant's arguments pertaining to the art filed 12/28/12 have been fully considered but they are not persuasive. The applicant argues in substance, the prior art does not teach, "tokenizing" as claimed by the applicant, page 20-25, is different than the prior art.

In reply; In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a token is a logical, mathematical, or branching operation) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In further, where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The applicant has not clearly distinguish the term

"tokenizing", from the prior art beyond providing para.0054-0055, in which describes,

"Each token **preferably corresponds** to a logical....", however this is merely a

suggestion of what a token can be. Nowhere in para.0054-0055, does it clearly define

"tokenizing" nor does the claim recite a specific definition. As such, Warthen, Abstract,

clearly teaches tokenizing.

Examiner's Remarks

The Office encourages the applicant to point to specific location in the

specification for all amendments made in the instant specification and all parent

applications in order to advance prosecution of the application.

The cited particular columns and line numbers in the references as applied to the

claims above for the convenience of the applicant. Although the specified citations are

representative of the teachings of the art and are applied to the specific limitations

within the individual claim, other passages and figures may apply as well. It is

respectfully requested from the applicant in preparing responses, to fully consider the

references in its entirety as potentially teaching of all or part of the claimed invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Backhean Tiv whose telephone number is (571) 272-

5654. The examiner can normally be reached on M-T 7-5.

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). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Backhean Tiv/
Primary Examiner, Art Unit 2451

NOTICE OF APPEAL FROM THE EXAMINER TO THE PATENT TRIAL AND APPEAL BOARD	Docket Number (Optional) 71855/10-351

I hereby certify that this correspondence is being facsimile transmitted to the USPTO, EFS-Web transmitted to the USPTO, or deposited with the United States Postal Service with sufficient postage in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] On___October 9, 2013_____ Signature_~Jamie A. Robinson~____ Typed or printed name____Jamie A. Robinson_____	In re Application of Payne

	Application Number 12/910,706	Filed 10/22/2010
	For SYSTEM AND METHOD FOR DATA MANAGEMENT	
	Art Unit 2451	Examiner BACKHEAN TIV

Applicant hereby **appeals** to the Patent Trial and Appeal Board from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) $ _800.00_____

[X] Applicant asserts small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by 50%, and the resulting fee is: $ _400.00_____

[ ] Applicant certifies micro entity status. See 37 CFR 1.29. Therefore, the fee shown above is reduced by 75%, and the resulting fee is: $ _____
Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

[ ] A check in the amount of the fee is enclosed.

[ ] Payment by credit card. Form PTO-2038 is attached.

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

[ ] The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. _060540_____.

[X] Payment made via EFS-Web.

[X] A petition for an extension of time under 37 CFR 1.136(a) (PTO/AIA/22) or equivalent) is enclosed.
For extensions of time in reexamination proceedings, see 37 CFR 1.550.

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.   [X] attorney or agent of record   [ ] attorney or agent acting under 37 CFR 1.34
Registration number _42214_____   Registration number _____

Signature _Terry L. Watt_____
Typed or printed name_____Terry L. Watt_____
Telephone Number_____918/599-0621_____
Date _October 9, 2013_____

NOTE: This form must be signed in accordance with 37 CFR 1.33. See CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.

[X] *Total of ____1_____ form(s) is/are submitted.

Doc code: RCEX
Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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.

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)

Application Number	12910706	Filing Date	2014-05-09	Docket Number (if applicable)	71855/10-351	Art Unit	2451
First Named Inventor	PAYNE			Examiner Name	BACKHEAN TIV		

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
        Annotated versions of previously filed Information Disclosure Statements.

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

Doc code: RCEX
Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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.

Signature of Registered U.S. Patent Practitioner			
Signature	/terry l. watt/	Date (YYYY-MM-DD)	2014-05-09
Name	Terry L. Watt	Registration Number	42214

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): Payne	Confirmation No.: 8703
Application No.: 12/910,706	Art Unit: 2451
Filed: 10/22/2010	
	Examiner:
Title: SYSTEM AND METHOD FOR DATA MANAGEMENT	BACKHEAN TIV
Attorney Docket No.: 71855/10-351	

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

APPLICANT'S SUBMISSION UNDER 37 C.F.R. 1.114 ACCOMPANYING REQUEST FOR CONTINUED EXAMINATION

This submission under 37 C.F.R. 1.114 is filed in conjunction with Applicant's Request

for Continued Examination of the above-referenced application and is responsive to the Final

Office Action mailed 04/09/2013. Please consider the instant filing to be a Petition for a Five

Month Extension of Time to Respond. A **USPTO credit card payment form PTO 2038 is**

attached to this filing or charge to a credit card will be authorized through EFS Web filing.

Please amend the application as follows:

Not Applicable

This listing of claims will replace all prior versions and listings of the claims in this application.

1.   (*Currently Amended*) A method for managing data including the steps of:

    (a)   creating a questionnaire comprising a series of questions customized for a location;

    (b)   tokenizing said questionnaire[[;]], thereby producing a plurality of device independent tokens representing said questionnaire;

    (c)   transmitting said plurality of tokens to a remote computing device;

    (d)   when said remote computing device is proximate to said location, executing at least a portion of said plurality of tokens representing said questionnaire at within 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 in real time via a network; and

    (f)   storing said response at said server.

2.   (*Previously Presented*) 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.   (*Previously Presented*) 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.   (*Previously Presented*) 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.   (*Previously Presented*) 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.   (*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 computing device in real time, said transmitted tokens comprising less than the entire tokenized questionnaire;

(d)   incorporating said transmitted tokens into said questionnaire at said remote computing device.

7.   (*Currently amended*) A method for collecting survey data from a user and making responses available via the Internet on the Web, comprising:

(a)   designing a questionnaire customized for a particular location having branching logic on a first computer platform;

(b)   automatically transferring said designed questionnaire to at least one loosely networked computer;

(c)   when said loosely networked computer is proximate to said particular location, executing said transferred questionnaire on said loosely networked computer, thereby collecting responses from the user;

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(d)   automatically transferring via the loose network any responses so collected in real

time to a central computer; and,

(e)   making available via the Internet on the Web any responses transferred to said

central computer in step (d).

8.   (*Previously Presented*) The method for collecting survey data according to claim 7

further comprising:

(f)   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 location in a first computer located at a second

location, said first location and said second location being connected by a

network;

(b)   tokenizing said questionnaire to produce a plurality of device independent tokens;

(c)(b) transmitting said tokenized questionnaire to a remote computer via said network,

said remote computer running an OIS;

(d)(c) modifying said questionnaire with incremental changes at a third location in said

first computer located at said second location;

(e)   tokenizing said incremental changes;

(f)(d) transmitting said tokenized incremental changes from said first computer to said

remote computer via said network; and,

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(g)(e)   modifying said questionnaire in said remote computer with said incremental

changes.

10.   (*Previously presented*) The method for managing data transfers between computers

according to claim 9 wherein said first location and said third location are the same.

11.   (*Previously presented*) The method for managing data transfers between computers

according to claim 9 wherein said third location is at said remote computer.

12.   (*Currently Amended*) A method for managing data comprising the steps of:

(a)   establishing communications between a handheld computing device and an

originating computer;

(b)   receiving within said handheld computing device a transmission of a tokenized

questionnaire <u>customized for a particular location</u> from said originating computer,

said tokenized questionnaire comprising a plurality of <u>device independent</u> tokens;

(c)   ending said communications between said handheld computing device and said

originating computer;

(d)   after said communications has been ended, <u>when said handheld computing device

is proximate to said particular location</u>

(d1)   executing at least a portion of said plurality of tokens comprising said

questionnaire on said handheld computing device to collect at least one

response from a user, and,

(d2)   storing within said computing device said at least one response from the

user;

(e)   establishing communications between said handheld computing device and a

recipient computer; and,

(f)   transmitting a value representative of each of said at least one response stored

within said handheld computing device to said recipient computer.

13.   (*Currently Amended*) The method for managing data according to Claim 12, wherein

step (b) comprises the steps of:

(b1)   creating a questionnaire,

(b2)   tokenizing said questionnaire, thereby producing a plurality of <u>device</u>

<u>independent</u> tokens representing said questionnaire,

(b3)   storing said plurality of tokens on a computer readable medium accessible

by said originating computer,

(b4)   accessing said stored plurality of tokens from said originating computer,

(b5)   transmitting said stored plurality of tokens from said originating computer

to said handheld computing device, and,

(b6)   receiving within said handheld computing device said transmission of said

tokenized questionnaire from said originating computer.

14.   (*Previously Presented*) The method for managing data according to Claim 12, wherein

said originating computer and said recipient computer are a same computer.

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15. (*Previously Presented*) The method for managing data according to Claim 12, wherein said step (d1) comprises the steps of:

> (i) requiring a user to authenticate with said handheld computing device,
>
> (ii) only if the user is able to authenticate with said handheld computing device, executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a user, and,
>
> (iii) if the user is unable to authenticate with said handheld computing device, taking no further action.

16. (*Previously Presented*) The method for managing data according to Claim 12, wherein said questionnaire comprises at least one question.

17. (*Previously Presented*) The method for managing data according to Claim 16, wherein at least one of said at least one question is selected from a group consisting of a food quality question, a service quality question, a waiting time question, a store number question, a location question, a time question, a date question, a temperature question, and a time of day question.

18. (*Previously presented*) The method for managing data according to Claim 12, wherein step (a) comprises the step of establishing communications via a global computer network between said handheld computing device and said originating computer.

19.   (*Currently Amended*) A method for managing data comprising the steps of:

(a)   establishing communications between a handheld computing device and an

originating computer, said handheld device having at least a capability to

determine a current location thereof;

(b)   receiving within said handheld computing device a transmission of a tokenized

questionnaire customized for a particular location, said tokenized questionnaire

comprising a plurality of device independent tokens;

(c)   ending said communications between said handheld computing device and said

originating computer;

(d)   after said communications has been terminated, when said handheld computing

device is proximate to said particular location

(d1)   executing at least a portion of said plurality of tokens comprising said

questionnaire on said handheld computing device to collect at least said

current location of said handheld computing device, and,

(d2)   storing within said handheld computing device said current location;

(e)   establishing communications between said handheld computing device and a

recipient computer; and,

(f)   transmitting at least one value representative of said stored current location to said

recipient computer.

20.   (*Previously Presented*) The method for managing data according to Claim 19 wherein

said current location of said handheld computing device is determined using GPS.

21.   (*Previously Presented*) The method for managing data according to Claim 19, wherein said originating computer and said recipient computer are a same computer.

22.   (*Canceled*)

23.   (*Canceled*)

24.   (*Currently Amended*) A method for managing data comprising the steps of:

    (a)   establishing communications between a handheld computing device and an originating computer;

    (b)   receiving within said handheld computing device a transmission of a tokenized questionnaire from said originating computer, said tokenized questionnaire comprising a plurality of <u>device independent</u> tokens;

    (c)   ending said communications between said handheld computing device and said originating computer;

    (d)   after said communications has been ended,

        (d1)   executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a first user, and,

        (d2)   storing within said computing device said at least one response from the first user;

(e)   establishing communications between said handheld computing device and a

        recipient computer;

(f)   transmitting a value representative of each of said at least one response stored

        within said handheld computing device to said recipient computer; and,

(g)   after receipt of said transmission of step (f), transmitting a notice of said received

        value representative of each of said at least one response to a second user.

25.   (*Previously Presented*) The method for managing data according to Claim 24, wherein

the first user and the second user are a same user.

26.   (*Currently Amended*) A method for managing data comprising the steps of:

(a)   within a central computer, accessing at least one user data item stored in a

        recipient computer, wherein said at least one data item is obtained via the steps of:

        (1)   establishing communications between a handheld computing device and

                an originating computer;

        (2)   receiving within said handheld computing device a transmission of a

                tokenized questionnaire, said tokenized questionnaire comprising a

                plurality of device independent tokens;

        (3)   ending said communications between said handheld computing device and

                said originating computer;

        (4)   after said communications has been ended,

                (i)   executing at least a portion of said plurality of tokens comprising

                        said questionnaire on said handheld computing device,

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(ii)   presenting said at least one question to a user;

(iii)   receiving at least one response from the user to each of said presented at least one question,

(iv)   storing at least one value representative of said at least one response within said handheld computing device;

(5)   establishing a communications link between said handheld computing device and a recipient computer;

(6)   transmitting said stored at least one value representative of said at least one response stored within said handheld computing device to said recipient computer; and,

(7)   storing within said recipient computer any of said transmitted at least one value representative of said at least one response, thereby creating said at least one user data item stored in said recipient computer; and,

(b)   forming a visually perceptible report from any of said at least one stored user data item.

27.   (*Previously Presented*) The method according to Claim 26, wherein said central computer and said recipient computer are a same computer.

28.   (*Currently Amended*) A method for managing data comprising the steps of:

(a)   establishing communications between a handheld computing device and an originating computer;

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(b) receiving within said handheld computing device a transmission of a tokenized questionnaire, said tokenized questionnaire comprising a plurality of <u>device independent</u> tokens;

(c) ending said communications between said handheld computing device and said originating computer;

(d) after said communications have been ended,

    (d1) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one item of data, and,

    (d2) storing within said handheld computing device said at least one item of data;

(e) establishing communications between said handheld computing device and a recipient computer; and,

(f) transmitting at least one value representative of said at least one item of data to said recipient computer.

29. (*Previously Presented*) A method for managing data according to Claim 28, wherein at least one of said at least one item of data is selected from a group consisting of a GPS location, a temperature, an event timing, a current date, a current time, a user authentication information, an item of text, a numeric item, a time stamp, a user response, and, a user response to a question.

30.   (*Previously Presented*) A method for managing data according to Claim 28, wherein said

established communications between said handheld computing device and said

originating computer is established using the Internet.

31.   (*Previously Presented*) A method for managing data according to Claim 28, wherein said

originating computer and said recipient computer are a same computer.

REMARKS

Amendments to the Specification

Not applicable.

Amendments to the Claims

Claim 7 has been amended to replace each instance of the well-understood term "Web" with "Internet" as required by the Examiner. The "Internet" is referenced numerous places in the application (e.g., *see* Abstract) and, as such, this amendment does not constitute new matter.

Claims 1, 9, 12, 13, 19, 24, 26, and 28 have been amended to require that when a questionnaire is tokenized a plurality of device independent tokens are produced. This aspect of the invention is discussed in several places in the instant specification (*see*, e.g., Col. 2, lines 8-26) and, as such, these amendments do not constitute new matter.

Claims 1, 6, and 7 have been amended to require that transmission occur in real-time if a connection is available. As is made clear in, for example, the instant application (e.g., Col. 4, line 61 – Col. 5, line 5) real time communications are an inherent part of "loosely networked" and, further, each occurrence of "networked" is presumed to be "loosely networked" per the identified passage. As such, these amendments do not constitute new matter.

Claims 1, 7, 12, and 19 have been amended to require two things. First, a questionnaire that is customized for a particular location; and, second, execution of the questionnaire when the device on which it is resident is located proximate to the location for

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which the questionnaire for which it was customized. This option is discussed throughout the application but a specific example of this may be in the "mystery shopper" example discussed in Col. 10, lines 21 – 49 *et seq.* As such, this amendment does not constitute new matter.

NOTICE OF COPENDING REEXAMINATION AND IPR

Applicant would make the Examiner aware that the issued patent that is the parent of this case, USPN 7,822,816 (hereinafter the '816 patent), is currently under challenge in two forms:

Ex Parte Reexamination Application No.: 90/012,829 filed April 3, 2013; and

Inter Partes Review No.: IPR2014-00140 filed November 11, 2013.

REQUIREMENT FOR INFORMATION

The Examiner has indicated that the IDSs submitted by Applicant 2/6/13, 2/11/13, and 2/12/13 represent multiple thousands of pages of disclosure which meets the test of a "long list". Thus it is said that if Applicant desires that any of the references included in the IDSs are to be considered, such IDSs must be submitted again with the most relevant documents underlined.

In response, Applicant notes the Examiner's comments regarding the previously filed *Information Disclosure Statement* (IDS) and apologizes for the sheer bulk of the submission. Applicant would inform the Examiner that the IDSs identified above were based on materials that were provided to Applicant in bulk in the course of litigating the '816 patent and have not been fully reviewed by counsel for Applicant. Thus, counsel for Applicant has not formed an opinion as to which are the most relevant documents among those provided by the defendants in the patent infringement lawsuit.

That being said, Applicant would state that, with respect to the Ex Parte Reexamination proceeding identified above, the Requestor has expressed a belief that the

following eight references, alone or in combination, raise a substantial new question of patentability:

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

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

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

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

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

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

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

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

Appropriately annotated versions of the previously filed IDS's are included herewith.

Additionally, Applicant would inform the examiner that additional art has been cited in the *Inter Partes* Review identified above. Such art will be submitted in the form of an IDS.

CLAIM OBJECTIONS AND REJECTIONS

Claim Rejections – 35 USC 112

The examiner states:

Claims 7,8 are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the Application/Control subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention. As per claim 7, 8, recites "the Web", there is insufficient antecedent basis for this limitation in the claim.

Applicant respectfully submits that one of ordinary skill in the art would understand that "the Web" refers to the World Wide Web. According to Wikipedia:

> The World Wide Web (abbreviated as WWW or W3, commonly known as the web) is a system of interlinked hypertext documents accessed via the Internet.

See http://en.wikipedia.org/wiki/World_Wide_Web (emphasis removed). MPEP § 2173.05(e) states "A claim term is indefinite when it contains words or phrases whose meaning is unclear." Applicant respectfully submits that the term "the Web" would be abundantly clear to one skilled in the art. Although the term "web" is used throughout the application (e.g., *Abstract*, col. 8, lines 29-33, etc.), out of an abundance of caution, Applicant has amended Claim 7 to recite "the Internet."

Claim Rejections - 35 USC § 103

The Examiner states:

Claims 1-7, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,704,029 issued to Wright, Jr. (Wright) in view of US Patent 6,584,464 issued to Warthen in view of US Publication 2002/0007303 issued to Brookler et al. (Brookler).

With regard to Claim 1, the Examiner states:

Wright however does not explicitly teach tokenizing said questionnaire; (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. Wright however does suggest that the questionnaire is tokenized (Figs. 1-11, Abstract, col.25, lines 1-50).

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In reply, Applicant would note that Claim 1 has been amended to require device independent tokens, a questionnaire that has been customized for a location, and execution of the questionnaire when the remote computing device is brought proximate to the location.

Nothing in Wright, Warthen, or Brookler – alone or in combination – teaches or suggests that such might be possible. As such, it is believed that Claim 1 is allowable over the art of record.

In addition, Applicant respectfully disagrees that Wright Figs.1-11, Abstract, and col.25, lines 1-50, either individually or collectively, suggest a tokenized questionnaire. At best, the figures and passages relied upon suggest a relatively simplistic scripting language that resides alongside a questionnaire to validate data, sound an alarm, display a message, quit, launch another form, skip to another question, and so forth. Wright at Col. 7, ll. 14-18. There is no suggestion that the questionnaire is tokenized, thereby producing a plurality of device independent tokens.

Further, Warthen's tokenizer merely separates a sentence into individual words or groups of words. A Warthen token is just a word, it does not represent the word, it is the word itself, nothing more and nothing less. "Tokenizer 150 converts the initial user query into a list of words and provides the list to parser 155." Warthen at col. 5, ll. 28-30.

Warthen receives the transmission of the user's untokenized query on the server side and tokenizes the query locally. There is no transmission of a tokenized questionnaire to a remote computing device as required by Claim 1: Warthen's tokenizing operations occur locally on the server side and the results are used there. Warthen Figure 1(b).

Further, applying the tokenization scheme of Warthen to Wright would be nonsensical. Warthen's tokenizer simply pulls individual words out of the submitted questions for further

processing, to find an equivalent "well-formed question." Wright's questions needs no further

processing, only answers are processed. Thus there is no motivation to combine Wright and

Warthen and even if they were combined, there is no suggestion to transmit the tokens to a

remote computing device as required by Claim 1 step (c).

In addition, neither Wright nor Warthen suggest that a token may be executable, as

required by step (d) of Claim 1. Warthen forwards his list of words, or tokens, to a normalizer

which substitutes canonical words that are synonymous, or nearly so, for the tokenized words.

Warthen col. 5, ll. 26-56. These are not the executable tokens of the present invention.

In the Office Action, the Examiner goes on to state:

Wright in view of Warthen does not explicitly teach (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. Brookler explicitly teaches (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 (Fig. 1, para.0033)

Applicant notes that the term "network" is expressly defined in the specification of the present

application at 0027 where it is stated:

> With regard to the present invention, the term "loosely networked" is used
> to describe a networked computer system wherein the 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 network
> connection is restored. **Unless otherwise specified, hereinafter the terms**
> **"network" or "networked" refer to loosely networked devices** (emphasis
> added).

Thus, Claim 1 step (e) of the instant application requires the transmission to occur in a loosely

networked fashion. Neither Wright, Warthen, nor Brookler discuss special handling of

intermittent connections, and therefore none of these references suggest a loosely networked connection.

Accordingly, a number of the limitations of Claim 1 are simply not present in the suggested combination, such as: step (c) requires transmitting the plurality of tokens to a remote device, but Warthen only deals with tokens internally; step (d) requires executing a portion of the tokens which is not disclosed in any of the cited references; and step (e) requires a loosely networked connection. Further, Claim 1 has been amended to require the questionnaire to be customized for a particular location in step (a) and, in step (d) that the questionnaire is executed when the remote computing device is proximate the particular location. These limitations are not found in any of the cited references.

Applicant submits that, in view of the foregoing, Claim 1, as amended, is thus in condition for allowance. Claims 2-6 depend from Claim 1 and inherit its limitation and, as such, are allowable at least for the reasons stated with regard to Claim 1. Additionally, Applicant would note that with regard to Claim 5, step (c) would likewise require the network to behave in a loosely networked fashion. Reconsideration and allowance of Claims 1 and 2-6 is respectfully requested.

With regard to Claims 7 and 9, the Examiner states:

As per claims 7, 9-11 rejected for the same reasons as set forth above or Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

Claim 7 has been amended *supra* to require a questionnaire that has been customized for a location and is executed when the loosely networked computer is proximate to the location.

Nothing in any of the foregoing references teaches or even suggests such a possibility. As such, and for at least this reason, Claim 7 is believed to be allowable.

Applicant would further point out that Claim 7, step (b) requires a loosely networked computer and, as discussed above with regard to Claim 1, none of the cited references disclose a network tolerant of intermittent connections. Likewise, step (d) requires a loosely networked connection.

For at least the reasons set out above, Applicant submits that Claim 7 is thus in condition for allowance. Claim 8 depends from Claim 7 and is believed to be allowable at least for the reasons discussed with regard to Claim 7.

Reconsideration and allowance of Claims 7 and 8 is respectfully requested.

Similarly with respect to Claim 9, as amended, steps (a) and (d) of Claim 9 require a loosely networked connection which is not taught or even suggested in any of the cited references. Further, as discussed with regard to Claim 1, the tokens of Warthen are simply not the same as the tokens of the present invention. Warthen's tokens do not represent a word or group of words, they are the words.

For at least the reasons set out above, Applicant submits that Claim 9 is thus in condition for allowance. Claims 10 and 11 depend from Claim 9 and are allowable at least for the reasons discussed with regard to Claim 9. Reconsideration and allowance of Claims 9-11 is respectfully requested.

With regard to claim 8, the Examiner states:

Claims 8 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,704,029 issued to Wright, Jr. (Wright) in view of US Patent 6,584,464 issued to Warthen in

view of US Publication 2002/10007303 issued to Brookler et al. (Brookler) in view of US

Publication 2001/0056374 issued to Joao.

As per claim 8, Wright in view of Warthen in view of Brookler does not explicitly teach

the method for collecting survey data according to claim 7 further comprising: (f) assessing a

charge for each transferred response received by said central computer. Joao explicitly teaches

(f) assessing a charge for each transferred response received by said central computer

(para.0230).

Claim 8 depends from Claim 7 and is therefore allowable at least for the reasons

discussed with regard to Claim 7. However, Applicant would note that Claim 8 further requires

assessing a charge for each transferred response received at the central computer, while Joao

generates a reward for the person taking the survey. Claim 8 generates revenue for the service

collecting the survey results while Joao is a reward system for the user. Applicant respectfully

submits that the charge assessed in Claim 8 is fundamentally different than the reward earned in

Joao. Reconsideration and allowance of Claim 8 is respectfully requested.

In the Office Action the Examiner States:

Claims 12-14, 16-18, 24,25, 28-31 are rejected under 35 U.S.C. 103(a) as being

unpatentable over US Patent 5,704,029 issued to Wright, Jr.(Wright) in view of US Patent

6,584,464 issued to Warthen in view of US Publication 2002/0007303 issued to Brookler et

al.(Brookler) in view of US Patent 6,477,373 issued to Rappaport et al.(Rappaport).

As discussed with regard to Claim 1, as amended, the tokens of the combination of

Wright and Warthen are not the device independent tokens of the present invention.

The Examiner further states:

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Warthen in view of Brookler to include the known art of connection failure and reconnecting of mobile devices as taught by Rappaport in order to provide the predictable result of when connection fails, the mobile device reconnects and sends information once there is a connection.

Without conceding that any of the elements identified above may be found in the references of record and assuming *arguendo* (unless otherwise challenged) that the teachings relied upon are indeed found in the cited references, Applicant believes that the combination relied upon would fail to yield Applicant's invention.

First with respect to Claim 12, this claim, as amended, requires a questionnaire customized for a particular location, tokenizing of the questionnaire to produce a plurality of device independent tokens, and when the device on which the tokenized questionnaire is resident is brought proximate to the location for which the questionnaire was designed, execution of at least a portion of the tokens. Nothing in reference of record teaches an approach such as that set out in Claim 12.

More particularly, Rappaport teaches a system and method for *maintaining connectivity* in a voice / data environment. (Abstract). A central idea in this patent is that voice is given priority over "time-insensitive" data streams (col. 2, lines 44-48). Low priority streams are put on "hold" if resources are not available *or* terminated without warning if resources are not available.

Of course, the term "server" cannot be found in Rappaport and that is for a reason. Rappaport's invention sits *between* the handheld and the server and is only designed to maintain connectivity between two devices that communicate over a network that is monitored by this

invention – to the extent that is possible. If there are insufficient resources, the data or voice

connection is unceremoniously dropped, apparently without warning. *See*, e.g., 17 in Fig. 1, 28

and 31 in Fig. 2, and associated text). Consider the following (col. 5, lines 2-16) from

Rappaport:

> In contrast, mobile users that are engaged in mobile computing (or other forms of data transmission) may have the capability to operate semi-autonomously since data communications with the network are packetized and not necessarily streamed. So with appropriate network design, a temporary disconnection from the network may be transparent to the user. Thus, implementing the techniques described herein, short term radio link disconnections, which are frequent in mobile communications, need not result in failed sessions, discarded information and wasted use of resources. The current invention concerns maintaining connectivity for sessions that have gained admission to network resources. It is applicable to both circuit switched and packet switched systems.

Rappaport's goal is maintaining continuously end-to-end network connectivity where possible so

that the remote device is oblivious to being temporarily disconnected from the recipient of the

communication.

Obviously, in the world of Wright/Warthen/Brookler, receipt of a questionnaire does not

signal disconnection from the remote server. The word "disconnect" does not appear in any one

of Wright, Warthen, Brookler. All three references have flow charts depicting operation of their

respective data handling, yet there is no provision in any flow chart for handling the case where a

connection is not available. This is in complete opposition to the assertion that a user can

continue to operate while waiting on the connection to be restored as required in Claim 12, step

(d).

In short, the combination of Wright, Warthen, and Brookler does not teach a method

wherein when services are not available from a remote server, a questionnaire is executed on the

local device. Instead, all three references assume a connection is available as needed.

As such, combining Wright, Warthen, Brookler, and Rappaport would yield a system which is premised on the notion, at its core, that network connectivity between a mobile user and a remote computer is always present. If such connectivity is not available, Rappaport teaches abrupt failure of the associated program by active termination. The other three references are simply silent on the issue. Thus, the combination does not yield Applicant's invention and it is believed that at least this aspect of the analysis of the art of record is flawed, and the instant rejection of same should be withdrawn and the associated claims confirmed.

Further, Applicant would dispute that Rappaport teaches a true method of reconnection. Per that reference, the only time a "reconnection" between the mobile user and the intended recipient can take place is if the data transmission (or voice) is only temporarily suspended. If the session is dismissed (e.g., by exceeding the maximum allowable number of reconnect attempts, unavailability of resources as might occur in connection with a cell-tower-to-cell-tower hand off, Figures 1 and 2 of Rappaport) the connection is terminated and no reconnection is possible or is taught.

Finally, Applicant would argue that the cited combination Rappaport is improper at least because Rappaport is nonanalogous art. At the time the invention was made, an inventor who was searching for a solution to the problem of how to manage data on portable computing devices when they cannot be connected to a remote server would *not* look to the management of telephone switching systems for inspiration. The inventor would either look to the technology of mobile computing devices or remote computing devices. It would be completely unreasonable to think that such inventor would look to massive telephone networks and techniques for controlling links when phone calls are handed off between towers to create the instant invention. Recall, *In re Wood*, 599 F.2d 1032, 202 USPQ 171, 174 (C.C.P.A. 1979)

> The determination that a reference is from a nonanalogous art is ... twofold. First, we decide if the reference is within the field of the inventor's endeavor. If it is not, we proceed to determine whether the reference is reasonably pertinent to the particular problem with which the inventor was involved.

Here, systems and methods of managing telephone switching operations are certainly *not* within the instant inventor's field of endeavor nor are they reasonably pertinent to the particular problem which the inventor was trying to solve. Payne (the inventor) was not trying to develop a system by which a remote computing device could maintain continuous communication with a remote server but, instead, how such a device could operate in the face of uncertain network connections.

Accordingly, a number of claim limitations that are required by the instant claims are simply not present in the suggested combination. With regard to Claim 12 and as described above: step (b) requires receiving a tokenized questionnaire, Warthen's tokens are not device independent tokens as described in the present application and Warthen does not transmit any tokens; step (c) ending the communications between the handheld and originating computer; and step (d) executing a token on the handheld; step (e) reestablishing communications. Further, Claim 12 has been amended to include the limitation that the questionnaire is customized for a particular location in step (b) and, in step (d) that the questionnaire is executed when the handheld computing device is proximate the particular location. These limitations are not found in any of the cited references.

Applicant submits that, for at least the reasons set out above, Claim 12 is thus in condition for allowance. Claims 13, 14, and 16-18 depend from Claim 12 and are allowable at least for the reasons discussed with regard to Claim 12. Reconsideration and allowance of Claims 12-14 and 16-18 is respectfully requested.

In the Office Action the Examiner States:

As per claim 24 rejected for the same reasons as set for above, and further (g) after receipt of said transmission of step (f), transmitting a notice of said received value representative of each of said at least one response to a second user (Brookler, para.0033) or Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

With regard to Claim 24 as amended, Applicant would note that, as discussed with regard to Claim 12, a number of claim limitations are simply not present in the cited references. Specifically, step (b) requires receiving a tokenized questionnaire comprised of a plurality of device independent tokens, Warthen's tokens are not tokens as described in the present application and Warthen does not transmit any tokens; step (c) ending the communications between the handheld and originating computer; and step (d) executing a token on the handheld; step (e) reestablishing communications.

Accordingly and at least for the reasons set out above, Claim 24 is thus believed to be in condition for allowance. Reconsideration and allowance of Claim 24 is respectfully requested.

In the Office Action the Examiner states:

As per claims 25, 28-31 rejected for the same reasons as set forth above or Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

With regard to Claim 25, the claim depends from Claim 24 and is allowable at least for the reasons set forth with regard to Claim 24. Reconsideration and allowance of Claim 25 is respectfully requested.

With regard to Claim 28, the steps (a)-(e) are identical to Claim 24, steps (a)-(e). The discussion of Wright, Warthen, Brookler, and Rappaport is equally applicable to Claim 28. Thus it is believed that Claim 28 is in condition for allowance.

Claims 29-31 depend from Claim 28 and are allowable at least for the reasons stated with regard to Claims 12 and 28. As such, reconsideration and allowance of Claims 28-31 is respectfully requested.

In the Office Action the Examiner states:

Claims 15 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,704,029 issued to Wright, Jr. (Wright) in view of US Patent 6,584,464 issued to Warthen in view of US Publication 200210007303 issued to Brookler et al. Brookler) in view of US Patent 6,477,373 issued to Rappaport et al. (Rappaport) in view of US Publication 200210137524 issued to Bade et al. (Bade).

Without conceding that Bade discloses authentication as required in Claim 15, Applicant would note that Claim 15 depends from Claim 12 and is therefore allowable for at least the reasons stated with regard to Claim 12. Reconsideration and allowance of Claim 15 is respectfully requested.

In the Office Action the Examiner states:

Claims 19-21, 26, 27 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,704,029 issued to Wright, Jr. (Wright) in view of US Patent 6,584,464 issued to Warthen in view of in view of US Patent 6,477,373 issued to Rappaport et al. (Rappaport) in view of US Patent 6,462,708 issued to Tsujimoto et al. (Tsujimoto).

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With regard to Claim 19, step (b) requires receiving a tokenized questionnaire comprised of a plurality of device independent tokens, Warthen's tokens are not tokens as described in the present application and Warthen does not transmit any tokens and thus, there are no tokens to receive. Further, step (d) requires executing at least a portion of the tokens after communications have ended. None of the cited references disclose off-line operation. Step (e) requires establishing communication between the handheld and a recipient computer. This is not necessarily the same computer, or the same connection, as the communications with the originating computer in step (a). As discussed above, none of the cited references disclose a second communication connection.

Finally, Claim 19, as amended, requires the questionnaire be customized for a particular location and, when the device is proximate to the location, executing at least a portion of the tokens.

Accordingly, Claim 19 is in condition for allowance. Claims 20 and 21 depend from Claim 19 and are allowable at least for the reasons stated with regard to Claim 19. Reconsideration and allowance of Claims 19-21 are respectfully requested.

In the Office Action the Examiner states:

As per claims 26, 27 rejected for the same reasons as set forth above or Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

With regard to Claim 26, as amended, Applicant would note that, as discussed with regard to Claim 12, a number of claim limitations are simply not present in the cited references. Specifically, step (a)(2) requires receiving a tokenized questionnaire comprised of a plurality of

device independent tokens, Warthen's tokens are not tokens as described in the present application and Warthen does not transmit any tokens; step (a)(3) ending the communications between the handheld and originating computer; and step (a)(4)(i) executing a token on the handheld; step (a)(5) reestablishing communications. Accordingly, Claim 26 is thus in condition for allowance. Claim 27 depends from Claim 26 and is therefore allowable at least for the reasons stated with regard to Claim 26. Reconsideration and allowance of Claims 26 and 27 is respectfully requested.

In the *Response to Arguments* the Examiner States:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (Le., a token is a logical, mathematical, or branching operation) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181,26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant would note that these remarks do not seem to take into consideration the term "executing" that can be found in all of the independent claims of the instant application, except Claim 9. "Executing" is a term of art which implies some degree of processing (i.e. logical, mathematical, branching, etc.). Wikipedia defines "execution: as:

> **Execution** in computer and software engineering is the process by which a computer or a virtual machine performs the instructions of a computer program. The instructions in the program trigger sequences of simple actions on the executing machine. Those actions produce effects according to the semantics of the instructions in the program.
>
> Programs for a computer may execute in a batch process without human interaction, or a user may type commands in an interactive session of an interpreter. In this case the "commands" are simply programs, whose execution is chained together.

The term **run** is used almost synonymously. A related meaning of both "to run" and "to execute" refers to the specific action of a user starting (or *launching* or *invoking*) a program, as in "Please run the ... application." http://en.wikipedia.org/wiki/Execution_(computing) (emphasis in original).

Thus, the limitation is expressly included in the claims, and not implicitly read into the claims as suggested in the Office Action.

* * *

This paper is intended to constitute a complete response to the Examiner's Office Action mailed 04/09/2013.

In view of the foregoing, Applicant believes that the rejections and objections offered by the Examiner have been overcome and should be withdrawn. It is further believed that the claims as-filed and as-amended are in condition for allowance and should be passed to the issue branch. Early and favorable action is earnestly solicited.

Respectfully submitted,

05/09/2014   /terry l. watt/_____
Date   Terry L. Watt
                                    Attorney/Agent for Applicant(s)
                                    Reg. No. 42214
                                    FELLERS, SNIDER, BLANKENSHIP,
                                        BAILEY & TIPPENS, P.C.

                                    321 SOUTH BOSTON, SUITE 800
                                    TULSA, OK 74103-3318
                                    Tel. 918/599-0621

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FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA, OK 74103-3318

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

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

-- 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* MONTHS 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 *5/9/14*.
  ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ 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*

5)☒ Claim(s) *1-21 and 24-31* is/are pending in the application.
  5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-21, 24-31* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

* If any claims have been determined <u>allowable</u>, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ 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).

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).

Certified copies:

  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)).

** 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) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
  Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.

4) ☐ Other: _____.

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

provisions. In the event the determination of the status of the application as subject to

AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is

incorrect, any correction of the statutory basis for the rejection will not be considered a

new ground of rejection if the prior art relied upon, and the rationale supporting the

rejection, would be the same under either status.

Detailed Action

Claims 1-21, 24-31 are pending in this application. Claims 22,23 were cancelled.

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 5/9/14

has been entered.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 5/9/14 has been

considered. The references that were highlighted/underlined by the applicant were

considered, however all other references that were not highlighted were not considered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112(a):

> (a) IN GENERAL.—The specification shall contain a written description of the
> invention, and of the manner and process of making and using it, in such full, clear, concise,
> and exact terms as to enable any person skilled in the art to which it pertains, or with which it
> is most nearly connected, to make and use the same, and shall set forth the best mode
> contemplated by the inventor or joint inventor of carrying out the invention.

The following is a quotation of the first paragraph of pre-AIA 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-6, 9-31 rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor or a joint inventor, or for pre-AIA the inventor(s), at the time the application was filed, had possession of the claimed invention.

The applicant has provided col.2, lines 8-26, as providing support for when the questionnaire is tokenized a plurality of device independent tokens are produced, however it appears that the citation does not support this limitation and further this citation is in the background of the specification. The citation describes a language to be compiled to produce an intermediate language such as i-code and tokens.

To overcome the necessity of compiling a program for a particular machine, an application may be written in an interpreted language, or a language which can be compiled to produce an intermediate language (i.e., a language that falls somewhere between source code and object code) such as i-code or tokens. In such a scheme, each device is provided with a run-time package which can execute the compiled i-code or tokens, the runtime package having been written for that particular device, thus, only the run-time package needs to be modified in order to port a program to a new computing environment. Once the run-time package is installed, any application authored in the language and which has been compiled to i-code will run on the target device. Unfortunately, such languages typically lack effective

optimization and generally do not provide a broad range of support for hardware resources. Regardless

of the language selected, whether compiled, interpreted, or whatever, software coding requires at least a

nominal degree of programming skill to create the application program.

The following is a quotation of 35 U.S.C. 112(b):
(b) CONCLUSION.—The specification shall conclude with one or more claims particularly
pointing out and distinctly claiming the subject matter which the inventor or a joint inventor
regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:
The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

Claims 1-6, 12-21 rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA),

second paragraph, as being indefinite for failing to particularly point out and distinctly

claim the subject matter which the inventor or a joint inventor, or for pre-AIA the

applicant regards as the invention.

As per claims 1-6, 12-21, the term "proximate" is a relative term which renders the

claim indefinite. The term "proximate" is not defined by the claim, the specification does

not provide a standard for ascertaining the requisite degree, and one of ordinary skill in

the art would not be reasonably apprised of the scope of the invention.

As per claim 6, recites (c) transmitting at least a portion of said tokens resulting

from step (b) to a remote computing device….., is unclear to which step (b) it refers to,

since claim 6 has a step (b) and claim 1 has a step (b).

Claim Rejections - 35 USC § 103

The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis

for all obviousness rejections set forth in this Office action:

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

Claims 1-7,12-14,16-18,24,25,28-31are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,704,029 issued to Wright, Jr.(Wright) in view of US Patent US Patent 6,163,811 issued to Porter in view of US Publication 2002/0007303 issued to Brookler et al.(Brookler) in view of US Patent 6,477,373 issued to Rappaport et al.(Rappaport).

As per claim 1, 7, Wright teaches a method for managing data including the steps of: (a) creating a questionnaire comprising a series of questions customized for a location(Figs.1-11, Abstract); (c) transmitting said plurality of tokens to a remote computing device(col.13, lines 38-65); (d) executing at least a portion of said plurality of tokens representing said questionnaire within said remote computing device to collect a response from a user(col.13, lines 38-65; teaches executing script).

Wright however does not explicitly teach

(b)tokenizing said questionnaire, thereby producing a plurality of device independent tokens representing said questionnaire;

(e) transmitting at least a portion of said response from the user to a server in real time via a network; and

(f) storing said response at said server;

(d) when said remote computing device is proximate to said location;

Claim 7, (e) making available via the Internet any responses transferred to said central computer.

Porter explicitly (b)tokenizing thereby producing a plurality of device independent tokens(col.3, lines 38-65; col.4, lines 50-65; tokenizing a file into a source file which maybe HTML or XML which as well known in the art is device independent);

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright to use the known method of tokenizing as taught by Porter in order to provide the predictable result of tokenizing a survey.

One ordinary skill in the art would have been motivated to combine the teachings in order to produce electronic surveys and feedback and reduce bandwidth(Wright, Abstract, Porter, col.4, lines 50-65).

Wright in view of Porter does not explicitly teach (e) transmitting at least a portion of said response from the user to a server in real time via a network; and (f) storing said response at said server Claim 7, (e) making available via the Internet any responses transferred to said central computer.

Brookler explicitly teaches (e) transmitting at least a portion of said response from the user to a server in real time via a network; and (f) storing said response at said server(Fig.1,5 para.0029,0033,0065; teaches providing real time results); (e) making available via the Internet any responses transferred to said central computer(para.0055-0056; teaches use of HTML and Microsoft IE and Netscape Navigator which used for the Internet).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Warthen to include storing user's responses at the server as taught by Brookler in order to provide the predictable result of having all answered survey questions stored on the server.

One ordinary skill in the art would have been motivated to combine the teachings in order to have a central location, e.g. server, for all results of a survey which provides ease of access for the surveyors(Brookler, para.0002).

Wright in view of Porter in view of Brookler does not explicitly teach when said remote computing device is proximate to said location and a "network" as defined by the applicant as a "loosely networked ".

Rappaport teaches "loosely networked"(Abstract, col.2, lines 44-59).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Porter in view of Brookler to include the known art of connection failure and reconnecting of mobile devices and also processing of data while the data connection is not in use as taught by Rappaport in order to provide the predictable result of a user can take the survey even when there isn't a connection and when the the mobile device reconnects and information is sent.

One ordinary skill in the art would have been motivated to combine the teachings in order to provide reliable connectivity and automatically and transparently attempt to reconnect disrupted links(Rappaport, col.1, lines 25-28).

Wright in view of Porter in view of Brookler in view of Rappaport does not explicitly teach when said remote computing device is proximate to said location.

Wright however, does teach a Joe's Diner's "customer comment card", Fig.2a.

The use of "customer comment card" is well known in the art as a form of feedback for

services and/or products and is given at the location to be filled out . Wright further

teaches taking an electronic survey of Joe's Diner, Fig.2b,c.

Therefore it would have been obvious to one ordinary skill in the art to modify the

teaching of Wright in view of Porter in view of Brookler in view of Rappaport to fill out a

survey at the location of business, such as Joe's Diner in order to provide the

predictable result of providing feedback to the vendor about products or services.

One ordinary skill in the art would have been motivated to combine the teachings

in order to provide a system to improve services/products through customer feedback.

As per claim 2, 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(Wright, Figs.1-11, Abstract,Porter, col.3, lines 38-65; col.4,

lines 50-65; teaches sending response and also teaching HTML). Official Notice is

taken; the art of translating to a particular format is well known in the art a the time of

the invention. (see US Publication 2003/0041031 issued to Hedy, claim 1 and US

Patent 6,615,212 Fig.7; teaches the art of conversion of data). Therefore it would have

been obvious to one ordinary skill in the art to modify the teaching to include translating

a response to a format that is recognized by a computer program in order to provide the

predictable result of having the response of a survey be translated/converted to a

particular format for a browser such as IE to recognize the response. One ordinary skill

in the art would have been motivated to combine the teaching in order to interpret

responses of a survey to improve a restaurant or store's product.

As per claim 3, the method for managing data of claim 1 wherein step (a)

includes the substeps of: (a)creating a questionnaire by: (i) entering a series of

questions into a questionnaire design computer program(Wright, col.9, lines 10-25); (ii)

identifying within said questionnaire design computer program the type of response

allowed for each question of said series of questions(Wright, col.11, lines 50-65,

Brookler, para.0044-0046); 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(Wright, Figs.1-11, Abstract).

As per claim 4, the method for managing data of claim 1 wherein step (b)

includes the substeps of: (b) tokenizing said questionnaire thereby producing a plurality

of tokens representing said questionnaire(Porter, col.3, lines 38-65; col.4, lines 50-65)

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(Porter, col.3, lines 38-65; col.4, lines 50-65); and

(iii) assigning at least one token to each branch in said questionnaire to identify the

required program control associated with said branch(Wright, Figs.1-11, Abstract).

Therefore it would have been obvious to one ordinary skill in the art to apply

tokenization of Porter to Wrights's teachings of creating a survey in order to provide the

predictable result of tokenization a survey and responses of a user. One ordinary skill

in the art would have been motivated to combine the teaching in order to save

bandwidth.

As per claim 5, the method of data management of claim 1 wherein the

transmission of said tokens in step (c) occurs via the network of step (e) (Brookler,

Fig.1, Rappaport, Abstract).

As per claim 6, 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(Porter, col.5,

lines 20-30); (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(Porter, col.5, lines 20-30); (d) incorporating said transmitted

tokens into said questionnaire at said remote computing device(Wright, Figs.1-11,

col.16, lines50-55, Abstract).

As per claim 12, 24,28 Wright teaches a method for managing data comprising

the steps of: (a) establishing communications between a handheld computing device

and an originating computer; (b) receiving within said handheld computing device a

transmission of a questionnaire from said originating computer, said questionnaire

customized for a particular location comprising a plurality of tokens; (d 1) executing at

least a portion of said plurality of tokens comprising said questionnaire on said handheld

computing device to collect at least one response from a user, and, (d2) storing within

said computing device said at least one response from the user(Fig.1-11, Abstract, col.13, lines 38-65).

Wright however does not explicitly teach tokenizing said questionnaire and device independent tokens;(c) ending said communications between said handheld computing device and said originating computer; (d) after said communications has been ended, when said handheld computing device is proximate to said particular location (e) establishing communications between said handheld computing device and a recipient computer; (f) transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer;(g) after receipt of said transmission of step (f), transmitting a notice of said received value representative of each of said at least one response to a second user.

Porter explicitly tokenizing thereby producing a plurality of device independent tokens(col.3, lines 38-65; col.4, lines 50-65; tokenizing a file into a source file which maybe HTML or XML which as well known in the art is device independent);

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright to use the known method of tokenizing as taught by Porter in order to provide the predictable result of tokenizing a survey.

One ordinary skill in the art would have been motivated to combine the teachings in order to produce electronic surveys and feedback and reduce bandwidth(Wright, Abstract, Porter, col.4, lines 50-65).

Wright in view of Warthen does not explicitly teach ;(c) ending said communications between said handheld computing device and said originating

computer; (d) after said communications has been ended, when said handheld

computing device is proximate to said particular location; (e) establishing

communications between said handheld computing device and a recipient computer; (f)

transmitting a value representative of each of said at least one response stored within

said handheld computing device to said recipient computer; (g) after receipt of said

transmission of step (f), transmitting a notice of said received

value representative of each of said at least one response to a second user

Brookler explicitly teaches (f) transmitting a value representative of each of said

at least one response stored within said handheld computing device to said recipient

computer(Fig.1, para.0033); (g) after receipt of said transmission of step (f), transmitting

a notice of said received

value representative of each of said at least one response to a second user(Brookler,

para.0033).

Therefore it would have been obvious to one ordinary skill in the art at the time of

the invention to modify the teachings of Wright in view of Porter to include transmitting a

value representative of each of said at least one response stored within said handheld

computing device to said recipient computer as taught by Brookler in order to provide

the predictable result of having all answered survey questions stored on the server.

One ordinary skill in the art would have been motivated to combine the teachings

in order to have a central location, e.g. server, for all results of a survey which provides

ease of access for the surveyors(Brookler, para.0002).

Wright in view of Porter in view of Brookler does not explicitly teach ;(c) ending

said communications between said handheld computing device and said originating

computer; (d) after said communications has been ended, (e) establishing

communications between said handheld computing device and a recipient computer.

Rappaport explicitly teaches the known art of connection failure and reconnecting

of mobile devices(Abstract, col.2, lines 44-59).

Therefore it would have been obvious to one ordinary skill in the art at the time of

the invention to modify the teachings of Wright in view of Porter in view of Brookler to

include the known art of connection failure and reconnecting of mobile devices as

taught by Rappaport in order to provide the predictable result of when connection fails,

the mobile device reconnects and sends information once there is a connection.

One ordinary skill in the art would have been motivated to combine the teachings

in order to provide reconnection to transfer information to a server.

Wright in view of Porter in view of Brookler in view of Rappaport does not

explicitly teach when said remote computing device is proximate to said location.

Wright however, does teach a Joe's Diner's "customer comment card", Fig.2a.

The use of "customer comment card" is well known in the art as a form of feedback for

services and/or products and is given at the location to be filled out and return to the

vendor. Wright further teaches the art of sending electronic form for information

gathering, col.3, lines 5-67, col.6, lines 1-30.

Therefore it would have been obvious to one ordinary skill in the art to combine

the teachings of the prior art to have a customer comment card be sent to and filled out

by a mobile user at the location of a restaurant in order to provide feedback to the

vendor about products or services.

One ordinary skill in the art would have been motivated to combine the teachings

in order to provide a system to improve services/products through customer feedback.

As per claim 13, the method for managing data according to Claim 12, wherein

step (b) comprises the steps of: (b 1) creating a questionnaire(Wright, col.9, lines 10-

25);   (b2) tokenizing said questionnaire, thereby producing a plurality of tokens

representing said questionnaire(Porter, col.3, lines 38-65; col.4, lines 50-65), (b3)

storing said plurality of tokens on a computer readable medium accessible

by said originating computer, (b4) accessing said stored plurality of tokens from said

originating computer, (b5) transmitting said stored plurality of tokens from said

originating computer to said handheld computing device, (Wright, col.11, lines 50-65,

Brookler, para.0044-0046); and, (b6) receiving within said handheld computing device

said transmission of said tokenized questionnaire from said originating

computer(Wright, col.11, lines 50-65, Brookler, para.0044-0046).

As per claim 14, 25,31, wherein said originating computer and said recipient

computer are a same computer(Wright, Figs.1-11, col.16, lines50-55, Rappaport,

Abstract, col.2, lines 44-59; reconnecting to the computer to send response of survey).

As per claim 16, the method for managing data according to Claim 12, wherein

said questionnaire comprises at least one question(Wright, Figs.1-11, col.16, lines50-

55, Abstract, Brookler, para.0044-0046).

As per claim 17, 29 , wherein at least one of said at least one question is selected from a group consisting of a food quality question, a service quality question, a waiting time question, a store number question, a location question, a time question, a date question, a temperature question, and a time of day question(Wright, Figs.1-11, col.16, lines50-55, Abstract, Brookler, para.0044-0046).

As per claim 18,30, wherein step (a) comprises the step of establishing communications via a global computer network/Internet between said handheld computing device and said originating computer(Wright, Figs.1-11, col.16, lines50-55, Brookler, para.0055-0056; teaches use of HTML and Microsoft IE and Netscape Navigator which is commonly for Internet).

Claims 8 rejected under 35 U.S.C. 103(a) as being unpatentable r US Patent 5,704,029 issued to Wright, Jr.(Wright) in view of US Patent US Patent 6,163,811 issued to Porter in view of US Publication 2002/0007303 issued to Brookler et al.(Brookler) in view of US Patent 6,477,373 issued to Rappaport et al.(Rappaport). in view of US Publication 2001/0056374 issued to Joao.

As per claim 8, Wright in view of Porter in view of Brookler in view of Rappaport does not explicitly teach the method for collecting survey data according to claim 7 further comprising: (f) assessing a charge for each transferred response received by said central computer.

Joao explicitly teaches (f) assessing a charge for each transferred response received by said central computer(para.0230).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Porter in view of Brookler in view of Rappaport to include assessing a charge for each transferred response received by said central computer as taught by Joao in order to receive compensation, a reward, a rebate, and/or an incentive (Joao, para. 0009).

One ordinary skill in the art would have been motivated to combine the teachings in order to facilitate commerce between any parties and/or any number of parties (Joao, para. 0009).

Claims 15 rejected under 35 U.S.C. 103(a) as being unpatentable over r US Patent 5,704,029 issued to Wright, Jr.(Wright) in view of US Patent US Patent 6,163,811 issued to Porter in view of US Publication 2002/0007303 issued to Brookler et al.(Brookler) in view of US Patent 6,477,373 issued to Rappaport et al.(Rappaport)in view of US Publication 2002/0137524 issued to Bade et al.(Bade).

As per claim 15, Wright in view of Porter in view of Brookler in view of Rappaport teaches the method for managing data according to Claim 12, wherein said step (dl) comprises the steps of: executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a user(Wright, Abstract, Porter, col.4, lines 50-65).

However does not explicitly teach the art of authentication.

Bade explicitly teaches the well known method of authentication(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Porter in view of Brookler in

view of Rappaport to include the known method of authentication as taught by Bade in

order to provide the predictable result of authentication of a device.

One ordinary skill in the art would have been motivated to combine the teachings

in order to provide security for a mobile device and information.

Claims 9-11 rejected under 35 U.S.C. 103(a) as being unpatentable over r

US Patent US Publication 2002/0147850 issued to Richards et al.(Richards) in

view of US Patent US Patent 6,163,811 issued to Porter in view of US Patent

6,477,373 issued to Rappaport et al.(Rappaport)

As per claim 9. Richard teaches a method for managing data transfers between

computers including the steps of:

(a) creating a questionnaire at a first location(Abstract, survey questions)

(c)transmitting said questionnaire to a remote computer via said network, said

remote computer running an OIS(Abstract, Fig.1);

(d) modifying said questionnaire with incremental changes at a third location_in

said first computer located I(e) transmitting said incremental changes from said first

computer to said remote computer via said network; (f)modifying said questionnaire in

said remote computer with said incremental changes(para.33,36; Richards' logic tree is

a "questionnaire." Thus, updating Richards' logic tree teaches "making at least one

incremental change to a portion of the questionnaire".).

Richards however does not explicitly teach (b) tokenizing said questionnaire to

produce a plurality of device independent tokens; tokenizing said incremental changes;

at a first location in a first computer located at a second location, said first location and

said second location being connected by a network:

Porter teaches (b) tokenizing said questionnaire to produce a plurality of device

independent tokens(col.3, lines 38-65; col.4, lines 50-65; tokenizing a file into a source

file which maybe HTML or XML which as well known in the art is device independent);

Therefore it would have been obvious to one ordinary skill in the art at the time of

the invention to modify the teachings of Richards to use the known method of tokenizing

as taught by Porter and apply it to Richard's incremental survey update in order to

provide the predictable result of tokenizing a survey and any changes made to the

survey.

One ordinary skill in the art would have been motivated to combine the teachings

in order to produce electronic surveys and feedback and reduce bandwidth(Wright,

Abstract, Porter, col.4, lines 50-65).

Richards in view of Porter does not explicitly teach a "network" as defined by the

applicant as a "loosely networked "; at a first location in a first computer located at a

second location, said first location and said second location being connected by a

network:

Rappaport teaches "loosely networked" (Abstract, col.2, lines 44-59).

Therefore it would have been obvious to one ordinary skill in the art at the time of

the invention to modify the teachings of Richards in view of Porter to include the known

art of connection failure and reconnecting of mobile devices and also processing of data

while the data connection is not in use as taught by Rappaport in order to provide the

predictable result of a user can take the survey even when there isn't a connection and when the mobile device reconnects and information is sent.

One ordinary skill in the art would have been motivated to combine the teachings in order to provide reliable connectivity and automatically and transparently attempt to reconnect disrupted links(Rappaport, col.1, lines 25-28).

Richards in view of Porter in view of Rappaport does not explicitly teach at a first location in a first computer located at a second location.

Official Notice is taken; to have a computer in a first location that resides in a second location interpreted as a computer in an office(first location) of an office building(second location) or having a mobile device in one section(first location) of a restaurant/store(second location) is well known in the art at the time of the invention.

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention Richards in view of Porter in view of Rappaport to include the teaching of having a device be at a location of another "location" such as an office of a building or a section of a restaurant/store in order to provide the predictable result of having a device in one location of a store/restaurant for receiving survey questions from that particular location, ie receiving survey questions from a computer within the office building or restaurant/store.

One ordinary skill in the art would have been motivated to combine the teaching in order to provide a system to easily survey users.

As per claim 10, the method for managing data transfers between computers according to claim 9 wherein said first location and said third location are the same(Richards, Abstract, Fig.1, Porter, Fig.4).

As per claim 11, the method for managing data transfers between computers according to claim 9 wherein said third location is at said remote computer(Richards, Abstract, Fig.1, Porter, Fig.4).

Claims 19-21, 26, 27 rejected under 35 U.S.C. 103(a) as being unpatentable over r US Patent 5,704,029 issued to Wright, Jr.(Wright) in view of US Patent US Patent 6,163,811 issued to Porter in view of US Patent 6,477,373 issued to Rappaport et al.(Rappaport) in view of US Patent 6,462,708 issued to Tsujimoto et al.(Tsujimoto).

As per claim 19,26, Wright teaches method for managing data comprising the steps of: (a) establishing communications between a handheld computing device and an originating computer, (b) receiving within said handheld computing device a transmission of a questionnaire customized for a particular location, said questionnaire comprising a plurality of tokens; (d l) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to (Figs.1-11, Abstract, col.25, lines 1-50).

Wright does not explicitly teach tokenizing a questionnaire; device independent tokens;

(c) ending said communications between said handheld computing device and said originating computer; (d) after said communications has been terminated, when

said handheld computing device is proximate to said particular location (e) establishing

communications between said handheld computing device and a

recipient computer;

said handheld device having at least a capability to determine a current location

thereof; collect at least said current location of said handheld computing device, and,

(d2) storing within said handheld computing device said current location; (f) transmitting

at least one value representative of said stored current location to said recipient

computer.

Porter explicitly tokenizing thereby producing a plurality of device independent

tokens(col.3, lines 38-65; col.4, lines 50-65; tokenizing a file into a source file which

maybe HTML or XML which as well known in the art is device independent);

Therefore it would have been obvious to one ordinary skill in the art at the time of

the invention to modify the teachings of Wright to use the known method of tokenizing

as taught by Porter in order to provide the predictable result of tokenizing a survey.

One ordinary skill in the art would have been motivated to combine the teachings

in order to produce electronic surveys and feedback and reduce bandwidth(Wright,

Abstract, Porter, col.4, lines 50-65).

Wright in view of Porter does not explicitly teach

(c) ending said communications between said handheld computing device and

said originating computer; (d) after said communications has been terminated, when

said handheld computing device is proximate to said particular location (e) establishing

communications between said handheld computing device and a

recipient computer;

said handheld device having at least a capability to determine a current location

thereof; collect at least said current location of said handheld computing device, and,

(d2) storing within said handheld computing device said current location; (f) transmitting

at least one value representative of said stored current location to said recipient

computer.

Rappaport explicitly teaches the known art of connection failure and reconnecting

of mobile devices(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of

the invention to modify the teachings of Wright in view of Porter to include the known art

of connection failure and reconnecting of mobile devices as taught by Rappaport in

order to provide the predictable result of when connection fails, the mobile device

reconnects and sends information once there is a connection.

One ordinary skill in the art would have been motivated to combine the teachings

in order to provide reconnection to transfer information to a server.

Wright in view of Porter in view of Rappaport does not explicitly teach

said handheld device having at least a capability to determine a current location thereof;

collect at least said current location of said handheld computing device, and,

(d2) storing within said handheld computing device said current location; (f) transmitting

at least one value representative of said stored current location to said recipient

computer.

Tsujimoto explicitly teaches the known system of a mobile device with a GPS to determine location(col.1, lines 17-20).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Porter in view of Rappaport to include the use of GPS for mobile devices as taught by Tsujimoto in order to provide the predictable result of a determination of a GPS location of a mobile device.

One ordinary skill in the art would have been motivated to combine the teachings in order to determine of a GPS location of a mobile device.

Wright in view of Porter in view of Rappaport in view of Tsujimoto does not explicitly teach when said remote computing device is proximate to said location.

Wright however, does teach a Joe's Diner's "customer comment card", Fig.2a. The use of "customer comment card" is well known in the art as a form of feedback for services and/or products and is given at the location to be filled out and return to the vendor. Wright further teaches the art of sending electronic form for information gathering, col.3, lines 5-67, col.6, lines 1-30.

Therefore it would have been obvious to one ordinary skill in the art to combine the teachings of the prior art to have a customer comment card be sent to and filled out by a mobile user at the location of a restaurant in order to provide feedback to the vendor about products or services.

One ordinary skill in the art would have been motivated to combine the teachings in order to provide a system to improve services/products through customer feedback.

As per claim 20, the method for managing data according to Claim 19 wherein said current location of said handheld computing device is determined using GPS(Tsujimoto, col.1, lines 17-20).

As per claim 21, 27, wherein said originating computer and said recipient computer are a same computer(Wright, Figs.1-11, col.16, lines50-55, Rappaport, Abstract, col.2, lines 44-59; reconnecting to the computer to send response of survey).

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground of rejection.

Examiner's Remarks

The Office encourages the applicant to point to specific location in the specification for all amendments made in the instant specification and all parent applications in order to advance prosecution of the application.

The cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention.

The examiner is available for Interviews on Tuesday and Wednesday at 10 AM, 1 and 2 PM EST. Please fax an agenda to (571) 273-5654.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BACKHEAN TIV whose telephone number is (571)272-5654. The examiner can normally be reached on M-T 7-5.

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). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Backhean Tiv/
Primary Examiner, Art Unit 2451

                                                                        PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Payne	Confirmation No.: 8703
Application No.: 12/910,706	Art Unit: 2451
Filed: 10/22/2010	
Title: SYSTEM AND METHOD FOR DATA MANAGEMENT	Examiner: Backhean Tiv
Attorney Docket No.: 47267/10-351	

Proposed Claim Amendments Discussed
During the Teleconference with the Examiner on Jan. 20, 2016

The instant document is being provided to the Examiner for discussion purposes only via fax number (571) 273-8300. Pursuant to that conversation, attorneys for applicant have provided some suggested alternative claim language that it is hoped would put the case into condition for allowance.

More particularly and pursuant to the above-identified conversation, attorneys for applicant understood the examiner to say that if a limitation such as "automatic" entry of location information were added to a claim, such would avoid the currently-known prior art.

In that regard, the currently pending version of Claim 1, together three proposed amendments to same, are presented below. It was felt that focusing only on amendments to Claim 1 would simplify the discussion.

Currently Pending Version of Claim 1:
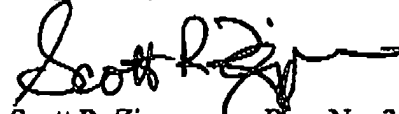
1.   (*Previously Presented*) A method for managing data including the steps of:

    (a)   creating a questionnaire comprising a series of questions customized for a

        location;

    (b)   tokenizing said questionnaire, thereby producing a plurality of device independent

        tokens representing said questionnaire;

(c)   transmitting said plurality of tokens to a remote computing device;

(d)   when said remote computing device is proximate to said location, executing at

        least a portion of said plurality of tokens representing said questionnaire ~~at~~ within

        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 in real

        time via a network; and

(f)   storing said response at said server.

The alternative amendments that follow are offered for purposes of discussion only.

Claim 1: Alternative #1:

1.   (*Currently Amended*) A method for managing data including the steps of:

(a)   creating a questionnaire comprising a series of questions customized for a

        location;

(b)   <u>said questionnaire including at least one question requesting location identifying</u>

        <u>information;</u>

([[b]]c̲)tokenizing said questionnaire, thereby producing a plurality of device ~~independent~~

        <u>indifferent</u> tokens representing said questionnaire;

([[c]]d̲)transmitting said plurality of tokens to a remote computing device;

([[d]]e̲)when said remote computing device is proximate to said location, executing at

        least a portion of said plurality of tokens representing said questionnaire ~~at~~ within

        said remote computing device to collect a response from a user;

(f)   <u>automatically entering the location identifying information into said</u>

        <u>questionnaire;</u>

([[e]]g)transmitting at least a portion of said response from the user to a server in real

time via a network; and

([[f]]h) storing said response at said server.

Claim 1: Alternative #2:

1.   (*Currently Amended*) A method for managing data including the steps of:

   (a)   creating a questionnaire comprising a series plurality of questions customized for

   a location, said questionnaire including at least one question that requests location

   identifying information;

   (b)   tokenizing said questionnaire, thereby producing a plurality of device independent

   tokens representing said questionnaire;

   (c)   transmitting said plurality of tokens to a remote computing device, wherein said

   remote computing device has a GPS integral thereto;

   (d)   when said remote computing device is proximate to at said location, executing at

   least a portion of said plurality of tokens representing said questionnaire at within

   said remote computing device to collect a response from a user;

   (e)   using said GPS to automatically obtain said location identifying information in

   response to said at least one question that requests location identifying

   information

   (f)(e) transmitting at least a portion of said response from the user to a server in real

   time via a network; and

   (g)(f) storing said response at said server.

Claim 1: Alternative #3:

1.   *(Previously Presented)* A method for managing data ~~including~~ comprising the steps of:

      (a)   creating a questionnaire comprising a series of questions customized for a location, wherein at least one of said questions requests location identifying information;

      (b)   tokenizing said questionnaire, thereby producing a plurality of device independent tokens representing said questionnaire;

      (c)   transmitting said plurality of tokens to a remote computing device, said remote computing device having a GPS integral thereto;

      (d)   when said remote computing device is at ~~proximate to~~ said location, executing at least a portion of said plurality of tokens representing said questionnaire ~~at~~ within said remote computing device to collect a response from a user;

      (e)   while said at least a portion of said plurality of tokens is executing, using said GPS to automatically provide said location identifying information as a response to said executing questionnaire;

      (f)(e)   transmitting at least a portion of said response from the user to a server in real time via a network; and

      (g)(f)   storing said response at said server.

Respectfully submitted,

Date: January 21, 2016

Scott R. Zingerman, Reg. No. 35422
Fellers, Snider, Blankenship, Bailey & Tippens
321 S. Boston Ave., Suite 800
Tulsa, OK 74103-3318
Attorneys for Applicant(s)
Tel.: 918-599-0621
Fax: 918-583-9659
Customer No. 22206

FACSIMILE COVER SHEET

Date: January 21, 2016

NUMBER OF PAGES INCLUDING THIS COVER SHEET:

TO	COMPANY NAME	FAX NUMBER
Examiner Backhean Tiv	USPTO; Art Unit 2451	571-273-8300

FROM: Scott R. Zingerman, Esq.

**FELLERS, SNIDER, BLANKENSHIP,
BAILEY & TIPPENS, P.C.**
The Kennedy Building
321 South Boston Ave., Suite 800
Tulsa, Oklahoma 74103-3318
TELEPHONE: (918) 599-0621
TELECOPIER: (918) 583-9659

AUTO QUOTE:

IF YOU DO NOT RECEIVE ALL OF THE PAGES OR IF ANY ARE ILLEGIBLE, PLEASE CONTACT
US AT (918) 599-0621 AS SOON AS POSSIBLE.

MESSAGE: Attached, please find information regarding USSN 12/910,706.
Thank you.

****
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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22206   7590   01/22/2016
FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA, OK 74103-3318

EXAMINER
TIV, BACKHEAN

ART UNIT	PAPER NUMBER
2451	

MAIL DATE	DELIVERY MODE
01/22/2016	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.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Applicant-Initiated Interview Summary	12/910,706	PAYNE, J. DAVID
	Examiner	**Art Unit**	
	BACKHEAN TIV	2451	

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

(1) *BACKHEAN TIV*.

(3) *TERRY L.WATT(42214)*.

(2) *SCOTT ZINGERMAN(35422)*.

(4) *J.DAVID PAYNE(INVENTOR)*.

Date of Interview: *20 January 2016*.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☒ No.
If Yes, brief description: _____.

Issues Discussed ☐101 ☒112 ☐102 ☐103 ☐Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: *1*.

Identification of prior art discussed: *ART OF RECORD*.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

DISCUSSED THE 112 1ST AND 2ND REJECTION. APPLICANT INTENDEDS TO POINT TO SPECIFIC LOCATIONS FROM THE SPECIFICATION TO SUPPORT THE CLAIM TERM "DEVICE INDEPENDENT" AND AMEND THE CLAIM TO "AT" INSTEAD OF "PROXIMATE". ALSO DISCUSSED AMENDMENT SUCH AS THE QUESTIONNAIRE HAVING A QUESTION CONCERNING THE LOCATION OF THE DEVICE, AND AUTOMATICALLY ENTERING THE GPS LOCATION FOR THAT QUESTION, SUPPORT FOUND IN US PATENT 7,822,816, COL.5, LINES 35-40. FURTHER SEARCH AND CONSIDERATION IS NECESSARY, ONCE AN UPDATED SEARCH/CONSIDERATION IS PERFORMED THEN IF THERE ARE ANY SUGGESTIONS TO ADVANCE THE PROSECUTION OF THE APPLICATION, THE EXAMINER WILL CONTACT THE APPLICANT..

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/BACKHEAN TIV/ Primary Examiner, Art Unit 2451	

Summary of Record of Interview Requirements

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

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

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

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

_____

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

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

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

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

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

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.
A complete and proper recordation of the substance of any interview should include at least the following applicable items:
1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
    (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.
Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Payne	Confirmation No.: 8703
Application No.: 12/910,706	Art Unit: 2451
Filed: 10/22/2010	
Title: SYSTEM AND METHOD FOR DATA MANAGEMENT	Examiner: Backhean Tiv
Attorney Docket No.: 47267/10-351	

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 November 6, 2015. Please

consider the instant filing to be a Petition for a Three Month Extension of Time to Respond. A

USPTO credit card payment form PTO 2038 is attached to this filing or charge to a credit card

will be authorized through EFS Web filing.   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:

In the Specification:

Not applicable.

<u>In the claims:</u>

This listing of claims will replace all prior versions and listings of the claims in this application.

1.   (*Currently Amended*) A method for managing data including the steps of:

    (a)   creating a questionnaire comprising a series of questions customized for a location;

    <u>(b)</u>   <u>said questionnaire including at least one question requesting location identifying information;</u>

    ([[b]]<u>c</u>)tokenizing said questionnaire, thereby producing a plurality of device independent <u>indifferent</u> tokens representing said questionnaire;

    ([[c]]<u>d</u>)transmitting said plurality of tokens to a remote computing device;

    ([[d]]<u>e</u>)when said remote computing device is proximate to said location, executing at least a portion of said plurality of tokens representing said questionnaire at <u>within</u> said remote computing device to collect a response from a user;

    <u>(f)</u>   <u>automatically entering the location identifying information into said questionnaire;</u>

    ([[e]]<u>g</u>)transmitting at least a portion of said response from the user to a server in real time via a network; and

    ([[f]]<u>h</u>) storing said response at said server.

2.   (Currently Amended) The method for managing data of claim 1 further comprising the

step of:

      ([[g]]i) translating said response to a format recognizable by a particular computer

           program; and

      ([[h]]j) accessing the translated response from a computer executing said particular

           computer program.

3.   (*Previously Presented*) 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.   (*Previously Presented*) 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.   *(Currently Amended)* The method of data management of claim 1 wherein the

transmission of said tokens in step ([[c]]d) occurs via the network of step ([[e]]g).

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 to obtain

       change tokens;

[[(c)]] transmitting at least a portion of said change tokens resulting from step (b) to

       [[a]]said remote computing device in real time, said transmitted change tokens

       comprising less than the entire tokenized questionnaire;

(d)   incorporating said transmitted change tokens into said questionnaire at said

       remote computing device.

7.   *(Currently Amended)* A method for collecting survey data from a user and making

responses available via the Internet, comprising:

(a)   designing a questionnaire <u>including at least one question, said questionnaire</u>

customized for a particular location having branching logic on a first computer

platform <u>wherein at least one of said at least one questions requests location</u>

<u>identifying information</u>;

(b)   automatically transferring said designed questionnaire to at least one loosely

networked computer <u>having a GPS integral thereto</u>;

(c)   when said loosely networked computer is proximate to said particular location,

executing said transferred questionnaire on said loosely networked computer,

thereby collecting responses from the user;

<u>(d)   while said transferred questionnaire is executing, using said GPS to automatically</u>

<u>provide said location identifying information as a response to said executing</u>

<u>questionnaire</u>;

([[d]]e) automatically transferring via the loose network any responses so collected in real

time to a central computer; and,

([[e]]f) making available via the Internet any responses transferred to said central

computer in step ([[d]]e).

8.   (*Previously Presented*) The method for collecting survey data according to claim 7

further comprising:

(f)   assessing a charge for each transferred response received by said central computer.

9.   (*Cancelled*)

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

11.   (*Previously presented*) The method for managing data transfers between computers according to claim 9 wherein said third location is at said remote computer.

12.   (Currently Amended) A method for managing data comprising the steps of:

(a)   establishing communications between a handheld computing device and an originating computer wherein said heldheld computing device has a GPS integral thereto;

(b)   using said GPS to automatically obtain location identifying information for said handheld computing device;

(c)   transmitting said location identifying information from said handheld computing device to said originating computer;

([[b]]d)   receiving within said handheld computing device a transmission of a tokenized questionnaire customized for a particular location from said originating computer, said tokenized questionnaire comprising a plurality of device ~~independent~~indifferent tokens;

([[c]]e)ending said communications between said handheld computing device and said originating computer;

([[d]]f) after said communications has been ended, when said handheld computing device

is ~~proximate to~~at said particular location:

   ([[d1]]f1) executing at least a portion of said plurality of tokens comprising

     said questionnaire on said handheld computing device to collect at least

     one response from a user, and,

   ([[d2]]f2) storing within said computing device said at least one response

     from the user;

([[e]]g) establishing communications between said handheld computing device and a

   recipient computer; and,

([[f]]h) transmitting a value representative of each of said at least one response stored

   within said handheld computing device to said recipient computer.

13. (Currently Amended) The method for managing data according to Claim 12, wherein

step ([[b]]d) comprises the steps of:

   ([[b1]]d1) creating a questionnaire,

   ([[b2]]d2) tokenizing said questionnaire, thereby producing a plurality of

     device independent tokens representing said questionnaire,

   ([[b3]]d3) storing said plurality of tokens on a computer readable medium

     accessible by said originating computer,

   ([[b4]]d4) accessing said stored plurality of tokens from said originating

     computer,

([[b5]]d5)   transmitting said stored plurality of tokens from said originating

computer to said handheld computing device, and,

([[b6]]d6).   receiving within said handheld computing device said transmission

of said tokenized questionnaire from said originating computer.

14.   *(Previously Presented)* The method for managing data according to Claim 12, wherein

said originating computer and said recipient computer are a same computer.

15.   *(Currently Amended)* The method for managing data according to Claim 12, wherein

said step ([[d1]]f1) comprises the steps of:

(i)   requiring a user to authenticate with said handheld computing

device,

(ii)   only if the user is able to authenticate with said handheld

computing device, executing at least a portion of said plurality of

tokens comprising said questionnaire on said handheld computing

device to collect at least one response from a user, and,

(iii)   if the user is unable to authenticate with said handheld computing

device, taking no further action.

16.   *(Currently Amended)* The method for managing data according to Claim 12, wherein

said questionnaire comprises at least one question that requests location identifying

information and at least one other question.

17. *(Currently Amended)* The method for managing data according to Claim 16, wherein at least one of said at least one other question is selected from a group consisting of a food quality question, a service quality question, a waiting time question, a store number question, a location question, a time question, a date question, a temperature question, and a time of day question.

18. *(Previously presented)* The method for managing data according to Claim 12, wherein step (a) comprises the step of establishing communications via a global computer network between said handheld computing device and said originating computer.

19. *(Currently Amended)* A method for managing data comprising the steps of:

(a) establishing communications between a handheld computing device and an originating computer, said handheld device having at least a capability to determine a current location thereof;

(b) receiving within said handheld computing device a transmission of a tokenized questionnaire ~~customized for a particular location~~including at least one question requesting location identifying information, said tokenized questionnaire comprising a plurality of device independent tokens;

(c) ending said communications between said handheld computing device and said originating computer;

(d)   after said communications has been terminated, when said handheld computing

        device is ~~proximate to~~ at said particular location

        (d1)   executing at least a portion of said plurality of tokens comprising said

                questionnaire on said handheld computing device to collect at least said

                current location of said handheld computing device, and,

        (d2)   storing within said handheld computing device said current location;

        (d3)   automatically entering the location identifying information into said

                questionnaire;

(e)   establishing communications between said handheld computing device and a

        recipient computer; and,

(f)   transmitting at least one value representative of said stored current location to said

        recipient computer.

20.   *(Previously Presented)* The method for managing data according to Claim 19 wherein

        said current location of said handheld computing device is determined using GPS.

21.   *(Previously Presented)* The method for managing data according to Claim 19, wherein

        said originating computer and said recipient computer are a same computer.

22.   *(Canceled)*

23.   *(Canceled)*

24. *(Currently Amended)* A method for managing data comprising the steps of:

(a)   establishing communications between a handheld computing device and an originating computer wherein said handheld computing device has a GPS integral thereto;

(b)   receiving within said handheld computing device a transmission of a tokenized questionnaire from said originating computer, said tokenized questionnaire including at least one question requesting location identifying information, said tokenized questionnaire comprising a plurality of device independent tokens;

(c)   ending said communications between said handheld computing device and said originating computer;

(d)   after said communications has been ended,

(d1)   executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a first user, and,

(d2)   storing within said computing device said at least one response from the first user;

(d3)   using said GPS to automatically obtain said location identifying information in response to said at least one question that requests location identifying information;

(e)   establishing communications between said handheld computing device and a recipient computer;

(f)   transmitting a value representative of each of said at least one response stored

       within said handheld computing device to said recipient computer; and,

(g)   after receipt of said transmission of step (f), transmitting a notice of said received

       value representative of each of said at least one response to a second user.

25.   *(Previously Presented)* The method for managing data according to Claim 24, wherein

       the first user and the second user are a same user.

26.   *(Currently Amended)* A method for managing data comprising the steps of:

(a)   within a central computer, accessing at least one user data item stored in a

       recipient computer, wherein said at least one data item is obtained via the steps of:

       (1)   establishing communications between a handheld computing device and

              an originating computer wherein said handheld computing device has a

              GPS integral thereto;

       (2)   receiving within said handheld computing device a transmission of a

              tokenized questionnaire, including at least one question requesting

              location identifying information and at least one additional question, said

              tokenized questionnaire comprising a plurality of device independent

              tokens;

       (3)   ending said communications between said handheld computing device and

              said originating computer;

       (4)   after said communications has been ended,

(i)   executing at least a portion of said plurality of tokens comprising

said questionnaire on said handheld computing device,

(ii)   automatically entering the location identifying information into

said questionnaire;

([[ii]]iii)   presenting said at least one additional question to a user;

([[iii]]iv)   receiving at least one response from the user to each of said

presented at least one additional question,

([[iv]]v)   storing at least one value representative of said location

identifying information and said at least one response within said

handheld computing device;

(5)   establishing a communications link between said handheld computing

device and a recipient computer;

(6)   transmitting said stored at least one value representative of said location

identifying information and said at least one response stored within said

handheld computing device to said recipient computer; and,

(7)   storing within said recipient computer any of said transmitted location

identifying information and said at least one value representative of said at

least one response, thereby creating said at least one user data item stored

in said recipient computer; and,

(b)   forming a visually perceptible report from any of said at least one stored user data

item.

27.   *(Previously Presented)* The method according to Claim 26, wherein said central

computer and said recipient computer are a same computer.

28.   *(Cancelled)*

29.   *(Cancelled)*

30.   *(Cancelled)*

31.   *(Cancelled)*

REMARKS

Claims 1-21 and 24-31 are pending in the application. Claims 1-21 and 24-31 stand as rejected in the Office Action. Claims 22 and 23 were previously cancelled. By way of this Amendment and Response, claims 1, 2, 5, 6, 7, 12, 16, 19, 24, and 26 have been amended. Claims 9-11, and 28-31 have been cancelled. Reconsideration and allowance of claims 1-8, 12-21 and 24-27 is respectfully requested.

Interview Summary

A telephonic Interview was conducted with Examiner Tiv on January, 20, 2016 during which the subject matter of and proposed amendments to claim 1 were discussed. On or about January 21, 2016, Applicant submitted, via facsimile, proposed amendments to claim 1, including three different alternatives.

Claim Rejections – 35 U.S.C. §112

Claims 1-6, 9-31 rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement. Claims 1-6, 12-21 are rejected in the Office Action under 35 U.S.C. §112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention. The Office Action reads at page 4:

*As per claims 1-6, 12-21, the term "proximate" is a relative term which renders
the claim indefinite. The term "proximate" is not defined by the claim, the
specification does not provide a standard for ascertaining the requisite degree,
and one of ordinary skill in the art would not be reasonably apprised of the scope
of the invention. As per claim 6, recites (c) transmitting at least a portion of said
tokens resulting from step (b) to a remote computing device ......, is unclear to
which step (b) it refers to, since claim 6 has a step (b) and claim 1 has a step (b).*

Applicant has amended to claims 1-6, 12-21 so as to replace the term "proximate" with

"at." Applicant submits that the term "at" is not a relative term.

Claim 6 has been amended herein for the purpose of clarity to delete the letters

representing steps of the method of claim 6.   Claim 6 has also been amended to recite

"tokenizing said at least one incremental change to said questionnaire to obtain change tokens"

and that the "change tokens" are transmitted to the remote computing device.   As a result,

Applicant submits that claim 6, as amended, is clear.

In light of the above amendments, reconsideration and allowance of claims 1-6 and 12-21

is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

In the Office Action, claims 1-7, 12-14, 16-18, 24, 25, 28-31 are rejected under 35 U.S.C.

§103(a) as being unpatentable over US Patent 5,704,029 (hereinafter "Wright") in view of US

Patent US Patent 6,163,811 (hereinafter "Porter") in view of US Publication 2002/0007303

(hereinafter the "Brookler") in view of US Patent 6,477,373 (hereinafter "Rappaport").   The

Office Action reads at Pages 5-15:

*As per claim 1, 7, Wright teaches a method for managing data including
the steps of: (a) creating a questionnaire comprising a series of questions*

customized for a location (Figs.1-11, Abstract); (c) transmitting said plurality of tokens to a remote computing device (col.13, lines 38-65); (d) executing at least a portion of said plurality of tokens representing said questionnaire within said remote computing device to collect a response from a user (col. 13, lines 38-65; teaches executing script).

Wright however does not explicitly teach

(b) tokenizing said questionnaire, thereby producing a plurality of device independent tokens representing said questionnaire;

(e) transmitting at least a portion of said response from the user to a server in real time via a network; and

(f) storing said response at said server;

(d) when said remote computing device is proximate to said location;

Claim 7, (e) making available via the Internet any responses transferred to said central computer.

Porter explicitly (b) tokenizing thereby producing a plurality of device independent tokens (col.3, lines 38-65; col.4, lines 50-65; tokenizing a file into a source file which maybe HTML or XML which as well known in the art is device independent);

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright to use the known method of tokenizing as taught by Porter in order to provide the predictable result of tokenizing a survey.

One ordinary skill in the art would have been motivated to combine the teachings in order to produce electronic surveys and feedback and reduce bandwidth (Wright, Abstract, Porter, col. 4, lines 50-65).

Wright in view of Porter does not explicitly teach (e) transmitting at least a portion of said response from the user to a server in real time via a network; and (f) storing said response at said server Claim 7, (e) making available via the Internet any responses transferred to said central computer.

Brookler explicitly teaches (e) transmitting at least a portion of said response from the user to a server in real time via a network; and (f) storing said response at said server (Fig.1,5 para. 0029, 0033, 0065; teaches providing real time results); (e) making available via the Internet any responses transferred to said central computer (para.0055-0056; teaches use of HTML and Microsoft IE and Netscape Navigator which used for the Internet).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Warthen to include storing user's responses at the server as taught by Brookler in order to

provide the predictable result of having all answered survey questions stored on the server.

One ordinary skill in the art would have been motivated to combine the teachings in order to have a central location, e.g. server, for all results of a survey which provides ease of access for the surveyors (Brookler, para.0002).

Wright in view of Porter in view of Brookler does not explicitly teach when said remote computing device is proximate to said location and a "network" as defined by the applicant as a "loosely networked".

Rappaport teaches "loosely networked"(Abstract, col. 2, lines 44-59).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Porter in view of Brookler to include the known art of connection failure and reconnecting of mobile devices and also processing of data while the data connection is not in use as taught by Rappaport in order to provide the predictable result of a user can take the survey even when there isn't a connection and when the the mobile device reconnects and information is sent. One ordinary skill in the art would have been motivated to combine the teachings in order to provide reliable connectivity and automatically and transparently attempt to reconnect disrupted links (Rappaport, col. 1, lines 25-28).

Wright in view of Porter in view of Brookler in view of Rappaport does not explicitly teach when said remote computing device is proximate to said location.

Wright however, does teach a Joe's Diner's "customer comment card", Fig.2a. The use of "customer comment card" is well known in the art as a form of feedback for services and/or products and is given at the location to be filled out . Wright further teaches taking an electronic survey of Joe's Diner, Fig.2b,c.

Therefore it would have been obvious to one ordinary skill in the art to modify the teaching of Wright in view of Porter in view of Brookler in view of Rappaport to fill out a survey at the location of business, such as Joe's Diner in order to provide the predictable result of providing feedback to the vendor about products or services.

One ordinary skill in the art would have been motivated to combine the teachings in order to provide a system to improve services/products through customer feedback.

As per claim 2, 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 (Wright, Figs. 1-11, Abstract, Porter, col.3, lines 38-65; col. 4, lines 50-65; teaches sending response and also teaching HTML). Official Notice is taken; the art of translating to a

particular format is well known in the art a the time of the invention. (see US Publication 2003/0041031 issued to Hedy, claim 1 and US Patent 6,615,212 Fig. 7; teaches the art of conversion of data). Therefore it would have been obvious to one ordinary skill in the art to modify the teaching to include translating a response to a format that is recognized by a computer program in order to provide the predictable result of having the response of a survey be translated/converted to a particular format for a browser such as IE to recognize the response. One ordinary skill in the art would have been motivated to combine the teaching in order to interpret responses of a survey to improve a restaurant or store's product.

As per claim 3, the method for managing data of claim 1 wherein step (a) includes the substeps of: (a)creating a questionnaire by: (i) entering a series of questions into a questionnaire design computer program(Wright, col. 9, lines 10-25); (ii) identifying within said questionnaire design computer program the type of response allowed for each question of said series of questions(Wright, col. 11, lines 50-65, Brookler, para. 0044-0046); 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(Wright, Figs. 1-11, Abstract).

As per claim 4, the method for managing data of claim 1 wherein step (b) includes the substeps of: (b) tokenizing said questionnaire thereby producing a plurality of tokens representing said questionnaire(Porter, col.3, lines 38-65; col.4, lines 50-65) 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(Porter, col.3, lines 38-65; col.4, lines 50-65); and (iii) assigning at least one token to each branch in said questionnaire to identify the required program control associated with said branch(Wright, Figs.1-11, Abstract).

Therefore it would have been obvious to one ordinary skill in the art to apply tokenization of Porter to Wrights's teachings of creating a survey in order to provide the predictable result of tokenization a survey and responses of a user. One ordinary skill in the art would have been motivated to combine the teaching in order to save bandwidth.

As per claim 5, the method of data management of claim 1 wherein the transmission of said tokens in step (c) occurs via the network of step (e) (Brookler, Fig. 1, Rappaport, Abstract).

As per claim 6, 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(Porter, col. 5, lines 20-30); (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 (Porter, col. 5, lines 20-30); (d) incorporating said transmitted tokens into said questionnaire at said remote computing device (Wright, Figs. 1-11, col. 16, lines 50-55, Abstract).

In reply, Applicant would note that Claim 1 has been amended to require device indifferent tokens. Support for this amendment can be found in Applicant's specification and particularly paragraphs [0033] and [0052]. Claim 1 has been further amended to recite a questionnaire that includes at least one question requesting location identifying information, and automatically entering the location identifying information into the questionnaire. Support for these amendments can be found in Applicant's specification, and particularly paragraphs [0035], and [0065]-[0070].

Initially, Applicant maintains that nothing in Wright, Porter, Brookler, or Rappaport, alone or in combination, teaches or suggests "loosly networked" as recited in Applicant's Claim 1. As such, it is believed that Claim 1 is allowable over the art of record.

The term "network" is expressly defined in the specification of the present application at [0027] where it is stated:

> With regard to the present invention, the term "loosely networked" is used to describe a networked computer system wherein the 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 network connection is restored. **Unless otherwise specified, hereinafter the terms "network" or "networked" refer to loosely networked devices** (emphasis added).

Thus, Claim 1 step (g) of the instant application requires the transmission to occur in a loosely networked fashion. Neither Wright, Porter, Brookler, nor Rappaport discuss special handling of intermittent connections, and therefore none of these references suggest a loosely networked connection.

Applicant additionally maintains the limitations of amended Claim 1 are not present in the Wright, Porter, Brookler, Rappaport combination asserted in the Office Action, such as: step (c) which recites tokenizing the questionnaire, thereby producing a plurality of device indifferent tokens representing the questionnaire. Claim 1 has been amended to replace the term "independent" with the term "indifferent" as set forth above. Further, Claim 1 has been amended to recite the questionnaire to include at least one question requesting location identifying information in step (b) and, in step (f) automatically entering the location identifying information into the questionnaire. These limitations are not found in any of the cited references.

Additionally, Applicant would note that with regard to Claim 5, step (d) would likewise require the network to behave in a loosely networked fashion.

Applicant submits that, in view of the foregoing, Claim 1, as amended, is thus in condition for allowance. Claims 2-6 depend from Claim 1 and inherit its limitation and, as such, are allowable at least for the reasons stated with regard to Claim 1. Reconsideration and allowance of Claims 1 and 2-6 is respectfully requested.

Claim 7 recites a questionnaire that has been customized for a location and is executed when the loosely networked computer at the location. Nothing in any of the foregoing references teaches or even suggests such a possibility. Applicant would further point out that Claim 7, step (b) requires a loosely networked computer and, as discussed above with regard to Claim 1, none

of the cited references disclose a network tolerant of intermittent connections. Likewise, step (e), as amended, requires a loosely networked connection. As such, and for at least this reason, Claim 7 is believed to be allowable.

Claim 7 has been amended to recite a loosely networked computer having a GPS integral thereto. Support for this amendment can be found in Applicant's specification, and particularly paragraph [0035]. Claim 7 has been further amended to recite a questionnaire that includes at least one question requesting location identifying information, and automatically entering the location identifying information into the questionnaire. Support for these amendments can be found in Applicant's specification, and particularly paragraphs [0035], and [0065]-[0070]. As set forth above with regard to claim 1, incorporated fully herein, Applicant submits that the combination of references cited in the Office Action do not disclose, teach or suggest a GPS integral to the loosely networked computer, a questionnaire that includes at least one question requesting location identifying information, and automatically entering the location identifying information into the questionnaire.

For at least the reasons set out above, Applicant submits that Claim 7 is thus in condition for allowance. Claim 8 depends from Claim 7 and is believed to be allowable at least for the reasons discussed with regard to Claim 7.

Reconsideration and allowance of Claims 7 and 8 is respectfully requested.

With regard to claims 12-14, 16-18 and 24-28, the Office Action reads on pages 10-15 as follows:

> *As per claim 12, 24,28 Wright teaches a method for managing data comprising the steps of: (a) establishing communications between a handheld computing device and an originating computer; (b) receiving within said hand*

held computing device a transmission of a questionnaire from said originating computer, said questionnaire customized for a particular location comprising a plurality of tokens; (d1) executing at least a portion of said plurality of tokens comprising said questionnaire on said hand held computing device to collect at least one response from a user, and, (d2) storing within said computing device said at least one response from the user (Fig. 1-11, Abstract, col. 13, lines 38-65).

Wright however does not explicitly teach tokenizing said questionnaire and device independent tokens;(c) ending said communications between said handheld computing device and said originating computer; (d) after said communications has been ended, when said handheld computing device is proximate to said particular location (e) establishing communications between said handheld computing device and a recipient computer; (f) transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer;(g) after receipt of said transmission of step (f), transmitting a notice of said received value representative of each of said at least one response to a second user.

Porter explicitly tokenizing thereby producing a plurality of device independent tokens(col.3, lines 38-65; col.4, lines 50-65; tokenizing a file into a source file which maybe HTML or XML which as well known in the art is device independent);

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright to use the known method of tokenizing as taught by Porter in order to provide the predictable result of tokenizing a survey.

One ordinary skill in the art would have been motivated to combine the teachings in order to produce electronic surveys and feedback and reduce bandwidth (Wright, Abstract, Porter, col. 4, lines 50-65).

Wright in view of Warthen does not explicitly teach ;(c) ending said communications between said handheld computing device and said originating computer; (d) after said communications has been ended, when said handheld computing device is proximate to said particular location; (e) establishing communications between said handheld computing device and a recipient computer; (f) transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer; (g) after receipt of said

transmission of step (f), transmitting a notice of said received value representative of each of said at least one response to a second user Brookler explicitly teaches (f) transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer (Fig.1, para. 0033); (g) after receipt of said transmission of step (f),

transmitting a notice of said received value representative of each of said at least one response to a second user (Brookler, para. 0033).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Porter to include transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer as taught by Brookler in order to provide the predictable result of having all answered survey questions stored on the server.

One ordinary skill in the art would have been motivated to combine the teachings in order to have a central location, e.g. server, for all results of a survey which provides ease of access for the surveyors (Brookler, para. 0002).

Wright in view of Porter in view of Brookler does not explicitly teach; (c) ending said communications between said handheld computing device and said originating computer; (d) after said communications has been ended, (e) establishing communications between said handheld computing device and a recipient computer.

Rappaport explicitly teaches the known art of connection failure and reconnecting of mobile devices (Abstract, col. 2, lines 44-59).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Porter in view of Brookler to include the known art of connection failure and reconnecting of mobile devices as taught by Rappaport in order to provide the predictable result of when connection fails, the mobile device reconnects and sends information once there is a connection.

One ordinary skill in the art would have been motivated to combine the teachings in order to provide reconnection to transfer information to a server.

Wright in view of Porter in view of Brookler in view of Rappaport does not explicitly teach when said remote computing device is proximate to said location.

Wright however, does teach a Joe's Diner's "customer comment card", Fig. 2a. The use of "customer comment card" is well known in the art as a form of feedback for services and/or products and is given at the location to be filled out and return to the vendor. Wright further teaches the art of sending electronic form for information gathering, col. 3, lines 5-67, col. 6, lines 1-30.

Therefore it would have been obvious to one ordinary skill in the art to combine the teachings of the prior art to have a customer comment card be sent to and filled out by a mobile user at the location of a restaurant in order to provide feedback to the vendor about products or services.

One ordinary skill in the art would have been motivated to combine the teachings in order to provide a system to improve services/products through customer feedback.

As discussed with regard to Claim 1, as amended, the tokens of the combination of Wright and Porter are not the device indifferent tokens of the present invention.

With respect to Claim 12, this claim, as amended, requires a hand held computing device which has an integral GPS, using the GPS to obtain location identifying information, transmitting the location identifying information from the GPS to and originating computer, a questionnaire customized for a particular location associated with the location, tokenizing of the questionnaire to produce a plurality of device indifferent tokens, and when the device on which the tokenized questionnaire is resident is brought to the location for which the questionnaire was designed, execution of at least a portion of the tokens. Nothing in the references of record teaches an approach such as that set out in Claim 12.

In addition, Rappaport teaches a system and method for *maintaining connectivity* in a voice / data environment. (Abstract). A central idea in this patent is that voice is given priority over "time-insensitive" data streams (col. 2, lines 44-48). Low priority streams are put on "hold" if resources are not available *or* terminated without warning if resources are not available.

Of course, the term "server" cannot be found in Rappaport and that is for a reason. Rappaport's invention sits *between* the handheld and the server and is only designed to maintain connectivity between two devices that communicate over a network that is monitored by this invention – to the extent that is possible. If there are insufficient resources, the data or voice connection is unceremoniously dropped, apparently without warning. *See, e.g.,* 17 in Fig. 1, 28

and 31 in Fig. 2, and associated text). Consider the following (col. 5, lines 2-16) from

Rappaport:

> In contrast, mobile users that are engaged in mobile computing (or other forms of data transmission) may have the capability to operate semi-autonomously since data communications with the network are packetized and not necessarily streamed. So with appropriate network design, a temporary disconnection from the network may be transparent to the user. Thus, implementing the techniques described herein, short term radio link disconnections, which are frequent in mobile communications, need not result in failed sessions, discarded information and wasted use of resources. The current invention concerns maintaining connectivity for sessions that have gained admission to network resources. It is applicable to both circuit switched and packet switched systems.

Rappaport's goal is maintaining continuously end-to-end network connectivity where possible so

that the remote device is oblivious to being temporarily disconnected from the recipient of the

communication.

Obviously, in the world of Wright/Porter/Brookler, receipt of a questionnaire does not

signal disconnection from the remote server. The word "disconnect" does not appear in any one

of Wright, Porter, Brookler. All three references have flow charts depicting operation of their

respective data handling, yet there is no provision in any flow chart for handling the case where a

connection is not available. This is in complete opposition to the assertion that a user can

continue to operate while waiting on the connection to be restored as required in Claim 12, step

(f).

In short, the combination of Wright, Porter, and Brookler does not teach a method

wherein when services are not available from a remote server, a questionnaire is executed on the

local device. Instead, all three references assume a connection is available as needed.

As such, combining Wright, Porter, Brookler, and Rappaport would yield a system which is premised on the notion, at its core, that network connectivity between a mobile user and a remote computer is always present. If such connectivity is not available, Rappaport teaches abrupt failure of the associated program by active termination. The other three references are simply silent on the issue. Thus, the combination does not yield Applicant's invention and it is believed that at least this aspect of the analysis of the art of record is flawed, and the instant rejection of same should be withdrawn and the associated claims confirmed.

Further, Applicant would dispute that Rappaport teaches a true method of reconnection. Per that reference, the only time a "reconnection" between the mobile user and the intended recipient can take place is if the data transmission (or voice) is only temporarily suspended. If the session is dismissed (e.g., by exceeding the maximum allowable number of reconnect attempts, unavailability of resources as might occur in connection with a cell-tower-to-cell-tower hand off, Figures 1 and 2 of Rappaport) the connection is terminated and no reconnection is possible or is taught.

Finally, Applicant would argue that the cited combination Rappaport is improper at least because Rappaport is nonanalogous art. At the time the invention was made, an inventor who was searching for a solution to the problem of how to manage data on portable computing devices when they cannot be connected to a remote server would *not* look to the management of telephone switching systems for inspiration. The inventor would either look to the technology of mobile computing devices or remote computing devices. It would be completely unreasonable to think that such inventor would look to massive telephone networks and techniques for

controlling links when phone calls are handed off between towers to create the instant invention.

Recall, *In re Wood*, 599 F.2d 1032, 202 USPQ 171, 174 (C.C.P.A. 1979)

> The determination that a reference is from a nonanalogous art is ... twofold.
> First, we decide if the reference is within the field of the inventor's endeavor. If it
> is not, we proceed to determine whether the reference is reasonably pertinent to
> the particular problem with which the inventor was involved.

Here, systems and methods of managing telephone switching operations are certainly *not* within

the instant inventor's field of endeavor nor are they reasonably pertinent to the particular problem

which the inventor was trying to solve. Payne (the inventor) was not trying to develop a system

by which a remote computing device could maintain continuous communication with a remote

server but, instead, how such a device could operate in the face of uncertain network

connections.

Accordingly, a number of claim limitations that are required by the instant claims are

simply not present in the suggested combination. Applicant submits that, for at least the reasons

set out above, Claim 12 is thus in condition for allowance. Claims 13, 14, and 16-18 depend from

Claim 12 and are allowable at least for the reasons discussed with regard to Claim 12.

Reconsideration and allowance of Claims 12-14 and 16-18 is respectfully requested.

With regard to Claim 24 as amended, Applicant would note that, as discussed with regard

to Claim 12 and incorporated fully herein by reference. Claim 24, as amended, requires a hand

held computing device which has an integral GPS, using the GPS to obtain location identifying

information, transmitting the location identifying information from the GPS to and originating

computer, a questionnaire customized for a particular location associated with the location,

tokenizing of the questionnaire to produce a plurality of device indifferent tokens, and when the

device on which the tokenized questionnaire is resident is brought to the location for which the questionnaire was designed, execution of at least a portion of the tokens. Nothing in the references of record teaches an approach such as that set out in Claim 24.

Accordingly and at least for the reasons set out above, Claim 24 is thus believed to be in condition for allowance. Reconsideration and allowance of Claim 24 is respectfully requested.

Claim 25 depends from claim 24 and is allowable at least for the reasons set forth above with regard to claim 24. Reconsideration and allowance of claim 25 is respectfully requested.

Claims 28-31 have been cancelled herein without prejudice and Applicant respectfully reserves the right to reurge claims 28-31. The rejection of claims 28-31 has become moot.

In the Office Action, claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Wright Reference in view of the Porter Reference in view of the Brookler Reference in view of the Rappaport Reference in view of US Publication 2001/0056374 (hereinafter the "Joao Reference"). The Office Actions further reads at Pages 15-16:

> *As per claim 8, Wright in view of Porter in view of Brookler in view of Rappaport does not explicitly teach the method for collecting survey data according to claim 7 further comprising: (f) assessing a charge for each transferred response received by said central computer.*
>
> *Joao explicitly teaches (f) assessing a charge for each transferred response received by said central computer (para. 0230).*
>
> *Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Porter in view of Brookler in view of Rappaport to include assessing a charge for each transferred response received by said central computer as taught by Joao in order to receive compensation, a reward, a rebate, and/or an incentive (Joao, para. 0009).*
>
> *One ordinary skill in the art would have been motivated to combine the teachings in order to facilitate commerce between any parties and/or any number of parties (Joao, para. 0009).*

Without conceding that Bade discloses authentication as required in Claim 15, Applicant would note that Claim 15 depends from Claim 12 and is therefore allowable for at least the reasons stated with regard to Claim 12. Reconsideration and allowance of Claim 15 is respectfully requested.

Claims 9-11 are rejected in the Office Action under 35 U.S.C. §103(a) as being unpatentable over US Patent US Publication 2002/0147850 (hereinafter the "Richards Reference") in view of the Porter Reference in view of the Rappaport Reference. The Office Action reads at Pages 1-20:

Claims 9-11 have been cancelled in this Amendment and Response, without prejudice, and Applicant respectfully reserves the right to re-urge claims 9-11. The rejection of claims 9-11 in the Office Action has become moot.

In the Office Action, claims 19-21, 26, 27 rejected under 35 U.S.C. 103(a) as being unpatentable over the Wright Reference in view of the Porter Reference in view of the Rappaport Reference in view of US Patent 6,462,708 (hereinafter the "Tsujimoto Reference"). The Office Action further reads at Pages 20-24:

> As per claim 19, 26, Wright teaches method for managing data comprising the steps of: (a) establishing communications between a handheld computing device and an originating computer, (b) receiving within said hand held computing device a transmission of a questionnaire customized for a particular location, said questionnaire comprising a plurality of tokens; (d 1) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to (Figs. 1-11, Abstract, col. 25, lines 1-50).
>
> Wright does not explicitly teach tokenizing a questionnaire; device independent tokens;
>
> (c) ending said communications between said handheld computing device and said originating computer; (d) after said communications has been terminated, when said handheld computing device is proximate to said particular

location (e) establishing communications between said handheld computing device and a recipient computer; said handheld device having at least a capability to determine a current location thereof; collect at least said current location of said handheld computing device, and, (d2) storing within said handheld computing device said current location; (f) transmitting at least one value representative of said stored current location to said recipient computer.

Porter explicitly tokenizing thereby producing a plurality of device independent tokens (col. 3, lines 38-65; col. 4, lines 50-65; tokenizing a file into a source file which maybe HTML or XML which as well known in the art is device independent);

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright to use the known method of tokenizing as taught by Porter in order to provide the predictable result of tokenizing a survey.

One ordinary skill in the art would have been motivated to combine the teachings in order to produce electronic surveys and feedback and reduce bandwidth (Wright, Abstract, Porter, col. 4, lines 50-65).

Wright in view of Porter does not explicitly teach (c) ending said communications between said handheld computing device and said originating computer; (d) after said communications has been terminated, when said handheld computing device is proximate to said particular location (e) establishing communications between said handheld computing device and a recipient computer;

said handheld device having at least a capability to determine a current location thereof; collect at least said current location of said handheld computing device, and, (d2) storing within said handheld computing device said current location; (f) transmitting at least one value representative of said stored current location to said recipient computer.

Rappaport explicitly teaches the known art of connection failure and reconnecting of mobile devices(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Porter to include the known art of connection failure and reconnecting of mobile devices as taught by Rappaport in order to provide the predictable result of when connection fails, the mobile device reconnects and sends information once there is a connection.

One ordinary skill in the art would have been motivated to combine the teachings in order to provide reconnection to transfer information to a server.

Wright in view of Porter in view of Rappaport does not explicitly teach said handheld device having at least a capability to determine a current location

thereof; collect at least said current location of said handheld computing device, and, (d2) storing within said handheld computing device said current location; (f) transmitting at least one value representative of said stored current location to said recipient computer.

Tsujimoto explicitly teaches the known system of a mobile device with a GPS to determine location (col. 1, lines 17-20). Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Porter in view of Rappaport to include the use of GPS for mobile devices as taught by Tsujimoto in order to provide the predictable result of a determination of a GPS location of a mobile device.

One ordinary skill in the art would have been motivated to combine the teachings in order to determine of a GPS location of a mobile device.

Wright in view of Porter in view of Rappaport in view of Tsujimoto does not explicitly teach when said remote computing device is proximate to said location.

Wright however, does teach a Joe's Diner's "customer comment card", Fig. 2a. The use of "customer comment card" is well known in the art as a form of feedback for services and/or products and is given at the location to be filled out and return to the vendor. Wright further teaches the art of sending electronic form for information gathering, col. 3, lines 5-67, col. 6, lines 1-30.

Therefore it would have been obvious to one ordinary skill in the art to combine the teachings of the prior art to have a customer comment card be sent to and filled out by a mobile user at the location of a restaurant in order to provide feedback to the vendor about products or services. One ordinary skill in the art would have been motivated to combine the teachings in order to provide a system to improve services/products through customer feedback.

As per claim 20, the method for managing data according to Claim 19 wherein said current location of said handheld computing device is determined using GPS (Tsujimoto, col. 1, lines 17-20).

As per claim 21, 27, wherein said originating computer and said recipient computer are a same computer (Wright, Figs. 1-11, col. 16, lines 50-55, Rappaport, Abstract, col. 2, lines 44-59; reconnecting to the computer to send response of survey).

Claim 19 has been amended to recite a questionnaire that includes at least one question

requesting location identifying information, and automatically entering the location identifying

information into the questionnaire. Support for these amendments can be found in Applicant's specification, and particularly paragraphs [0035], and [0065]-[0070].

Claim 19, as amended, requires the questionnaire include at least one question requesting location identifying information and when the device is at the location, executing at least a portion of the tokens and automatically entering the location identifying information into the questionnaire. None of the cited references disclose these steps.

Accordingly, Claim 19 is in condition for allowance. Claims 20 and 21 depend from Claim 19 and are allowable at least for the reasons stated with regard to Claim 19. Reconsideration and allowance of Claims 19-21 are respectfully requested.

Claim 26, as amended, requires a hand held computing device which has an integral GPS, using the GPS to obtain location identifying information, transmitting the location identifying information from the GPS to an originating computer, a questionnaire including at least one question requesting location identifying information, tokenizing of the questionnaire to produce a plurality of tokens, and when the device on which the tokenized questionnaire is resident is brought to the location for which the questionnaire was designed, execution of at least a portion of the tokens and including automatically entering the location identifying information into the questionnaire. Nothing in the references of record teaches an approach such as that set out in Claim 26. Support for these amendments can be found in Applicant's specification, and particularly paragraphs [0033], [0035], [0052], and [0069-[0070].

Accordingly, Claim 26 is thus in condition for allowance. Claim 27 depends from Claim 26 and is therefore allowable at least for the reasons stated with regard to Claim 26. Reconsideration and allowance of Claims 26 and 27 is respectfully requested.
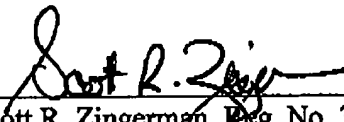
Conclusion

This paper is intended to constitute a complete response to the Examiner's Office Action mailed November 6, 2015. 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: May 6, 2016
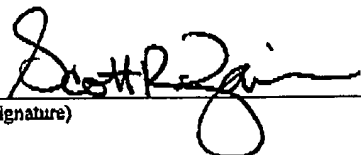
Scott R. Zingerman, Reg. No. 35422
Fellers, Snider, Blankenship, Bailey & Tippens
321 S. Boston Ave., Suite 800
Tulsa, OK 74103-3318
Attorneys for Applicant(s)
Tel.: 918-599-0621
Fax: 918-583-9659
Customer No. 22206

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ART UNIT	PAPER NUMBER
2451	

DATE MAILED: 07/07/2016

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/910,706	10/22/2010	J. David Payne	71855/10-351	8703

TITLE OF INVENTION: SYSTEM AND METHOD FOR DATA MANAGEMENT

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$480	$0	$0	$480	10/07/2016

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.

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PTOL-85 (Rev. 02/11)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/910,706	10/22/2010	J. David Payne	71855/10-351	8703

TITLE OF INVENTION: SYSTEM AND METHOD FOR DATA MANAGEMENT

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nonprovisional	SMALL	$480	$0	$0	$480	10/07/2016

EXAMINER	ART UNIT	CLASS-SUBCLASS
TIV, BACKHEAN	2451	709-203000

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☐ 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 credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ Applicant certifying micro entity status. See 37 CFR 1.29

☐ Applicant asserting small entity status. See 37 CFR 1.27

☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____   Date _____

Typed or printed name _____   Registration No. _____

Page 2 of 3

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/910,706	10/22/2010	J. David Payne	71855/10-351	8703

22206   7590   07/07/2016

FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA, OK 74103-3318

EXAMINER
TIV, BACKHEAN

ART UNIT	PAPER NUMBER
2451	

DATE MAILED: 07/07/2016

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

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.

PTOL-85 (Rev. 02/11)

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B 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.

Privacy Act Statement

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

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

Notice of Allowability	Application No. 12/910,706	Applicant(s) PAYNE, J. DAVID	
	Examiner BACKHEAN TIV	Art Unit 2451	AIA (First Inventor to File) Status No

-- *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 *5/6/16*.

    ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on_____.

2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

3. ☒ The allowed claim(s) is/are *1-8,12-21 and 24-27*. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov .

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    Certified copies:

      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.**

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    ☐ 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. ☒ Notice of References Cited (PTO-892)

2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____

3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

4. ☒ Interview Summary (PTO-413), Paper No./Mail Date *6/17/16* .

5. ☒ Examiner's Amendment/Comment

6. ☒ Examiner's Statement of Reasons for Allowance

7. ☐ Other _____ .

/BACKHEAN TIV/
Primary Examiner, Art Unit 2451

EXAMINER'S AMENDMENT

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.

Authorization for this examiner's amendment was given in a telephone interview

with Scott Zingerman(35422) on 6/17/16.

The application has been amended as follows:

1. (Currently Amended) A method for managing data including the steps of:

(a) creating a questionnaire comprising a series of questions customized for a

location;

(b) said questionnaire including at least one question requesting <u>GPS</u>

<u>coordinates</u> ~~location-identifying-information~~;

(c) tokenizing said questionnaire, thereby producing a plurality of device

indifferent tokens representing said questionnaire;

(d)transmitting said plurality of tokens to a remote computing device;

(e)when said remote computing device is ~~proximate to~~ <u>at</u> said location, executing

at least a portion of said plurality of tokens representing said questionnaire at within said

remote computing device to collect a response from a user;

(f) automatically entering the <u>GPS coordinates</u> ~~location-identifying-information~~

into said questionnaire;

(g)transmitting at least a portion of said response from the user to a server in real time via a network; and

(h) storing said response at said server.

7. (Currently Amended) A method for collecting survey data from a user and making responses available via the Internet, comprising:

(a) designing a questionnaire including at least one question said questionnaire customized for a particular location having branching logic on a first computer platform wherein at least one of said at least one questions requests location identifying information;

(b) automatically transferring said designed questionnaire to at least one loosely networked computer having a GPS integral thereto;

(c) when said loosely networked computer is ~~proximate to~~ at said particular location, executing said transferred questionnaire on said loosely networked computer, thereby collecting responses from the user;

(d)while said transferred questionnaire is executing, using said GPS to automatically provide said location identifying information as a response to said executing questionnaire;

(e)automatically transferring via the loose network any responses so collected in real time to a central computer; and,

(f) making available via the Internet any responses transferred to said central computer in step (e).

10-11.(Cancelled)

19. (Currently Amended) A method for managing data comprising the steps of:

(a) establishing communications between a handheld computing device and an originating computer, said handheld device having at least a capability to determine a current location thereof;

(b) receiving within said handheld computing device a transmission of a tokenized questionnaire including at least one question requesting GPS coordinates location-identifying-information, said tokenized questionnaire comprising a plurality of device independent tokens;

(c) ending said communications between said handheld computing device and said originating computer;

(d) after said communications has been terminated, when said handheld computing device is at said particular location

(d1) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least said current location of said handheld computing device, and,

(d2) storing within said handheld computing device said current location;

(d3) automatically entering the GPS coordinates location-identifying information into said questionnaire;

   (e) establishing communications between said handheld computing device and a

recipient computer; and,

   (f) transmitting at least one value representative of said stored current location to

said recipient computer.

   26. (Currently Amended) A method for managing data comprising the steps of:

   (a) within a central computer, accessing at least one user data item stored in a

recipient computer, wherein said at least one data item is obtained via the steps of:

      (1) establishing communications between a handheld computing device

      and an originating computer wherein said handheld computing device has

      a GPS integral thereto;

      (2) receiving within said handheld computing device a transmission of a

      tokenized questionnaire, including at least one question requesting GPS

      coordinates ~~location-identifying information~~ and at least one additional

      question, said tokenized questionnaire comprising a plurality of device

      independent tokens;

      (3) ending said communications between said handheld computing device

      and said originating computer;

      (4) after said communications has been ended,

         (i) executing at least a portion of said plurality of tokens comprising

         said questionnaire on said handheld computing device,

(ii) automatically entering the GPS coordinates ~~location-identifying~~
~~information~~ into said questionnaire;

(iii) presenting said at least one additional question to a user;

(iv) receiving at least one response from the user to each of said
presented at least one additional question,

(v) storing at least one value representative of said GPS
coordinates ~~location-identifying-information~~ and said at least one
response within said handheld computing device;

(5) establishing a communications link between said handheld computing
device and a recipient computer;

(6) transmitting said stored at least one value representative of said GPS
coordinates ~~location-identifying-information~~ and said at least one response
stored within said handheld computing device to said recipient computer;
and,

(7) storing within said recipient computer any of said transmitted GPS
coordinates ~~location-identifying-information~~ and said at least one value
representative of said at least one response, thereby creating said at least
one user data item stored in said recipient computer; and,

(b) forming a visually perceptible report from any of said at least one stored user

data item.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The closest prior art of record are US Patent 5,704,029 issued to Wright, Jr,

which teaches an electronic questionnaire which includes various fields for inputting

response to the questions.

US Publication 2002/0007303 issued to Brookler et al., which teaches a system

to create survey, pushing the survey to respondents, and making the result of the

survey available to the creator of the survey.

US Publication 2002/0147850 issued to Richards et al, teaches creation of

survey and ask questions in a logical manner through the use of logic trees.

However the prior art singly or in combination does not teach the totality of the

independent claims when read in light of the specification(para.0008,0027,0030,0063-

0070). Also claims recites the use of a GPS integral thereto which obtain location

identifying information which is interpreted as a GPS obtaining GPS coordinates for the

handheld device. see also Remarks filed on 5/6/16, pgs.21-23,26-29,35-36 and

Remarks filed 5/9/14,pgs.16-18,20-23,25-29,33.

In further the term "networked" is presumed to be "loosely networked", which as

describe as in para.0027 is defined as a network computer system wherein devices on

the network are tolerant of intermittent network connection and tolerant of the type of

network connection available and when a network connection is unavailable at that

moment, the information is temporarily stored in the device and later transmitted when

the connection is restored is read into the claims.

The term "token" as defined and argued in the Interview held on 11/16/2012, has a special meaning(i.e. logical, mathematical or branching operation), para.0054 of applicant's specification which is read into the claims.

Note: all conditional limitations are given patentable weight.

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."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BACKHEAN TIV whose telephone number is (571)272-5654. The examiner can normally be reached on M-THUR 5:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHRISTOPHER L. PARRY can be reached on (571) 272-8328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BACKHEAN TIV/
Primary Examiner, Art Unit 2451

	Application No.	Applicant(s)
Applicant-Initiated Interview Summary	12/910,706	PAYNE, J. DAVID
	Examiner	**Art Unit**	
	BACKHEAN TIV	2451	

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

(1) *BACKHEAN TIV*.   (3)*SCOTT ZINGERMAN(35422)*.

(2) _____.   (4)_____.

Date of Interview: *6/17/16*.

Type: ☒ Telephonic   ☐ Video Conference
        ☐ Personal [copy given to: ☐ applicant   ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes   ☒ No.
    If Yes, brief description: _____.

Issues Discussed   ☐101 ☐112 ☐102 ☐103 ☒Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: *1,7,10,11,19 and 26*.

Identification of prior art discussed: *N/A*.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

APPLICANT AUTHORIZED CANCELLING CLAIMS 10,11, AND AMENDING CLAIMS TO ADVANCE THE PROSECUTION OF THE APPLICATION.

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/BACKHEAN TIV/	
Primary Examiner, Art Unit 2451	

Summary of Record of Interview Requirements

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

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

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

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

_____

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

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

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

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

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

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.
A complete and proper recordation of the substance of any interview should include at least the following applicable items:
1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
   (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.
Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

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

Complete and send this form, together with applicable fee(s), to: <u>Mail</u>   Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or <u>Fax</u>   (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   07/07/2016
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.

Jamie A. Robinson	(Depositor's name)
Jamie A. Robinson	(Signature)
08/24/2016	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/910,706	10/22/2010	J. David Payne	71855/10-351	8703

TITLE OF INVENTION: SYSTEM AND METHOD FOR DATA MANAGEMENT

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$480	$0	$0	$480	10/07/2016

EXAMINER	ART UNIT	CLASS-SUBCLASS
TIV, BACKHEAN	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   (B) RESIDENCE: (CITY and STATE OR COUNTRY)

EDICHE, LLC   TULSA, OK

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~~ via EFS Web
☒ The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number ___060540___ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ Applicant certifying micro entity status. See 37 CFR 1.29

☐ Applicant asserting small entity status. See 37 CFR 1.27

☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____*Terry Watt*_____   Date ___08/24/2016___

Typed or printed name ___Terry L. Watt___   Registration No. ___42214___

PTO L 85 Part B (10-12) Approved for use through 10/31/2012   OMB 0651-0033   U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Electronic Patent Application Fee Transmittal

Application Number:	12910706
Filing Date:	22-Oct-2010
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:	71855/10-351

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

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	480	480

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	480

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/910,706	09/27/2016	9454748	71855/10-351	8703

22206   7590   09/07/2016

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 500 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;

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

IR103 (Rev. 10/09)

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

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   FOR THE EASTERN DISTRICT OF TEXAS   on the following

☐ Trademarks or   ☑ Patents.   (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:17-CV-202	DATE FILED 4/5/2017	U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS	
PLAINTIFF FALL LINE PATENTS, LLC		DEFENDANT AMERICAN AIRLINES GROUP, INC. and AMERICAN AIRLINES, INC.	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1 9,454,748		FALL LINE PATENTS, LLC	
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ 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

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:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 **Director of the U.S. Patent and Trademark Office** **P.O. Box 1450** **Alexandria, VA 22313-1450**	

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   FOR THE EASTERN DISTRICT OF TEXAS   on the following

☐ Trademarks or   ☑ Patents.   (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:17-CV-203	DATE FILED 4/5/2017	U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS	
PLAINTIFF FALL LINE PATENTS, LLC		**DEFENDANT** CINEMARK HOLDINGS, INC. and CINEMARK USA, INC.	

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	9,454,748		FALL LINE PATENTS, LLC
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY		
	☐ Amendment ☐ Answer ☐ Cross Bill ☐ 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. 6:17-CV-204	DATE FILED 4/5/2017	U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS	
PLAINTIFF FALL LINE PATENTS, LLC		DEFENDANT GRUBHUB HOLDINGS, INC. and GRUBHUB, INC.	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1 9,454,748		FALL LINE PATENTS, LLC	
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filed in the U.S. District Court ___FOR THE EASTERN DISTRICT OF TEXAS___ on the following

☐ Trademarks or   ☑ Patents.   (☐ the patent action involves 35 U.S.C. § 292.):

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1 9,454,748		FALL LINE PATENTS, LLC	
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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   FOR THE EASTERN DISTRICT OF TEXAS   on the following

☐ Trademarks or   ☑ Patents.   (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:17-cv-407	DATE FILED 7/10/2017	U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
PLAINTIFF FALL LINE PATENTS, LLC		DEFENDANT CHOICE HOTELS INTERNATIONAL, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	9,454,748		FALL LINE PATENTS, LLC
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY
	☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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filed in the U.S. District Court   FOR THE EASTERN DISTRICT OF TEXAS   on the following

☐ Trademarks or   ☑ Patents.   (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:17-cv-408	DATE FILED 7/10/2017	U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS	
PLAINTIFF FALL LINE PATENTS, LLC		DEFENDANT UBER TECHNOLOGIES, INC.	

PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 9,454,748		FALL LINE PATENTS, LLC
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

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