

# EXHIBIT 2



US008146077B2

(12) **United States Patent**  
**McNally et al.**

(10) **Patent No.:** **US 8,146,077 B2**  
(45) **Date of Patent:** **Mar. 27, 2012**

(54) **INFORMATION MANAGEMENT AND SYNCHRONOUS COMMUNICATIONS SYSTEM WITH MENU GENERATION, AND HANDWRITING AND VOICE MODIFICATION OF ORDERS**

4,547,851	A *	10/1985	Kurland	705/15
4,553,222	A *	11/1985	Kurland et al.	705/15
4,638,312	A *	1/1987	Quinn et al.	340/5.9
5,003,472	A	3/1991	Perrill et al.	
5,023,438	A *	6/1991	Wakatsuki et al.	235/462.46
5,189,411	A *	2/1993	Collar et al.	340/825.2
5,235,509	A *	8/1993	Mueller et al.	705/15
5,367,557	A *	11/1994	Ozenbaugh, II	455/405
5,510,979	A	4/1996	Moderi et al.	
5,724,069	A *	3/1998	Chen	345/172

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(Continued)

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**FOREIGN PATENT DOCUMENTS**

(\* ) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 1535 days.

EP 0779759 A2 6/1997

(Continued)

(21) Appl. No.: **11/112,990**

**OTHER PUBLICATIONS**

(22) Filed: **Apr. 22, 2005**

Micros Systems Inc. "Preliminary Information Packet for the Micros Hand-Held Touchscreen" Sep. 2, 1992.\*

(65) **Prior Publication Data**

(Continued)

US 2005/0204308 A1 Sep. 15, 2005

**Related U.S. Application Data**

(63) Continuation of application No. 10/016,517, filed on Nov. 1, 2001, now Pat. No. 6,982,733, which is a continuation-in-part of application No. 09/400,413, filed on Sep. 21, 1999, now Pat. No. 6,384,850.

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(51) **Int. Cl.**  
**G06F 9/445** (2006.01)

**ABSTRACT**

(52) **U.S. Cl.** ..... **717/177**; 717/102; 717/109; 717/111; 717/168; 717/174; 715/810; 715/828

An information management and synchronous communications system and method facilitates database equilibrium and synchronization with wired, wireless and Web-based systems, user-friendly and efficient generation of computerized menus and reservations with handwritten/voice modifications for restaurants and other applications that utilize equipment with nonstandard graphical formats, display sizes and/or applications for use in remote data entry, information management and communication with host computer, digital input device or remote pager via standard hardwired connection, the internet, a wireless link, printer or the like.

(58) **Field of Classification Search** ..... 715/810-845  
See application file for complete search history.

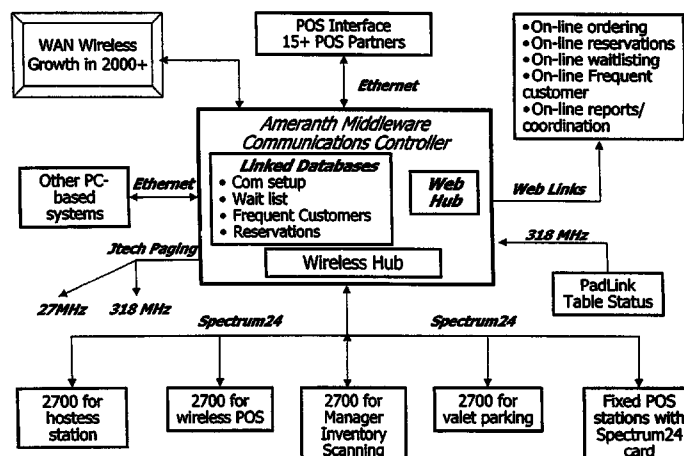
(56) **References Cited**

**U.S. PATENT DOCUMENTS**

4,415,065	A *	11/1983	Sandstedt	705/34
4,530,067	A	7/1985	Dorr	

**18 Claims, 8 Drawing Sheets**

**Ameranth 21<sup>st</sup> Century Communications Integration**



U.S. PATENT DOCUMENTS

5,781,189	A *	7/1998	Holleran et al.	715/826
5,802,526	A	9/1998	Fawcett et al.	
5,845,263	A	12/1998	Camaisa et al.	
5,850,214	A *	12/1998	McNally et al.	345/173
5,912,743	A *	6/1999	Kinebuchi et al.	358/442
5,937,041	A *	8/1999	Cardillo et al.	379/93.25
5,969,968	A	10/1999	Pentel	
5,974,238	A *	10/1999	Chase, Jr.	709/248
5,991,739	A *	11/1999	Cupps et al.	705/26
6,023,714	A *	2/2000	Hill et al.	715/235
6,034,621	A *	3/2000	Kaufman	340/7.21
6,038,545	A *	3/2000	Mandeberg et al.	705/15
6,107,944	A	8/2000	Behr	
6,125,356	A *	9/2000	Brockman et al.	705/37
6,167,255	A	12/2000	Kennedy, III et al.	
6,208,976	B1	3/2001	Kinebuchi et al.	
6,219,696	B1	4/2001	Wynblatt et al.	
6,300,947	B1 *	10/2001	Kanevsky	715/866
6,301,564	B1 *	10/2001	Halverson	705/15
6,341,316	B1	1/2002	Kloba et al.	
6,421,717	B1	7/2002	Kloba et al.	
6,425,524	B2	7/2002	Pentel	
6,435,406	B1	8/2002	Pentel	
6,473,739	B1 *	10/2002	Showghi et al.	705/26
6,553,412	B1	4/2003	Kloba et al.	
6,779,042	B1	8/2004	Kloba et al.	
6,839,744	B1	1/2005	Kloba et al.	
6,865,261	B1	3/2005	Rao et al.	
6,880,750	B2	4/2005	Pentel	
6,920,431	B2 *	7/2005	Showghi et al.	705/26
6,973,437	B1 *	12/2005	Olewicz et al.	705/15
6,996,777	B2 *	2/2006	Hiiipakka	715/727
7,000,032	B2	2/2006	Kloba et al.	
7,174,308	B2 *	2/2007	Bergman et al.	705/26
7,234,640	B2	6/2007	Pentel	
2001/0047302	A1	11/2001	Yoshinaga et al.	
2002/0059405	A1 *	5/2002	Angwin et al.	709/223
2003/0067494	A1 *	4/2003	Burns	345/810
2003/0107588	A1	6/2003	Elsbree et al.	

FOREIGN PATENT DOCUMENTS

GB	GB2196766	A	5/1988
WO	WO9820434		5/1998
WO	WO9841936		9/1998

OTHER PUBLICATIONS

"Graphic User Interface Builder Menu Construction Using a Tree-View Container" IBM Technical Disclosure Bulletin, vol. 38, No. 9, Sep. 1995.

"Entertainment Industry Leader Rich Rank Takes Helm At Cybermeals, World's Largest Online Meal Ordering System", Sep. 15, 1998, <URL:http://www.food.com/food.sph/saisp...s/aboutus/pressrelease.jsp?id=228>, printed on Apr. 20, 2001.

"W3C Putting Compact HTML, HDML to Test for Net Access—Mobile Markup Languages Face Off", Yoshiko Hara, Apr. 6, 1998, <URL:http://www.techweb.com/se/directlink.cgi?eet19980406s0089>, printed on Sep. 2, 1999.

Complaint for Patent Infringement, Jun. 28, 2007, *Ameranth, Inc. v. Menusoft Systems Corporation and Cash Register Sales & Service of Houston, Inc. (dba CRS Texas)*, 2-07-CV-271, (E.D. Tex.).

Defendants Menusoft Systems Corporation and Cash Register Sales & Service of Houston, Inc.'s Original Answer, Defenses, and Counterclaims, Sep. 4, 2007, *Ameranth, Inc. v. Menusoft Systems Corporation and Cash Register Sales & Service of Houston, Inc. (dba CRS Texas)*, 2-07-CV-271, (E.D. Tex.).

Plaintiff Ameranth, Inc.'s Reply to Defendants Menusoft Systems Corporation and Cash Register Sales & Service of Houston, Inc.'s Counterclaims, Sep. 24, 2007, *Ameranth, Inc. v. Menusoft Systems Corporation and Cash Register Sales & Service of Houston, Inc. (dba CRS Texas)*, 2-07-CV-271, (E.D. Tex.).

Complaint for Declaratory Judgment of Patent Non-Infringement

Defendant and Counterclaim Plaintiff Ameranth, Inc.'s Answer and Counterclaims for Patent Infringement, Aug. 10, 2007, *Radiant Systems, Inc. v. Ameranth, Inc.*, 1-07-CV-1641, (N.D. Ga.).

Reply to Counterclaims, Sep. 4, 2007, *Radiant Systems, Inc. v. Ameranth, Inc.*, 1-07-CV-1641, (N.D. Ga.).

Radiant Systems, Inc.'s Motion for Leave to File a First Amended Complaint for Declaratory Judgment of Patent Non-Infringement, Invalidity and Inequitable Conduct, Oct. 5, 2007, *Radiant Systems, Inc. v. Ameranth, Inc.*, 1-07-CV-1641, (N.D. Ga.).

Radiant Systems, Inc.'s Memorandum in Support of Its Motion for Leave to File a First Amended Complaint for Declaratory Judgment of Patent Non-Infringement, Invalidity and Inequitable Conduct, Oct. 5, 2007, *Radiant Systems, Inc. v. Ameranth, Inc.*, 1-07-Cv-1641, (N.D. Ga.).

Exhibit A to Radiant Systems, Inc.'s Motion for Leave—First Amended Complaint for Declaratory Judgment of Patent Non-Infringement, Invalidity and Inequitable Conduct, Oct. 5, 2007, *Radiant Systems, Inc. v. Ameranth, Inc.*, 1-07-CV-1641, (N.D. Ga.).

Exhibit B to Radiant Systems, Inc.'s Motion for Leave—FSTEC, Show Directory, Oct. 1996.

Exhibit C to Radiant Systems, Inc.'s Motion for Leave—Declaration and Power of Attorney for U.S. Appl. No. 09/400,413, now U.S. Patent No. 6,384,850, Oct. 25, 1999.

Exhibit D to Radiant Systems, Inc.'s Motion for Leave—FSTEC, Show Directory, Nov. 1997.

Exhibit E to Radiant Systems, Inc.'s Motion for Leave—FSTEC, Show Directory, Nov. 1998.

Exhibit F to Radiant Systems, Inc.'s Motion for Leave—Ameranth webpage, 1998.

Exhibit G to Radiant Systems, Inc.'s Motion for Leave—Office Action, Nov. 29, 2000, for U.S. Appl. No. 09/400,413, now U.S. Patent No. 6,384,850.

Exhibit H to Radiant Systems, Inc.'s Motion for Leave—Marked-up claims of U.S. Appl. No. 09/400,413, now U.S. Patent No. 6,384,850.

Exhibit I to Radiant Systems, Inc.'s Motion for Leave—Amendment & Response to Nov. 29, 2000 Office Action, Feb. 26, 2001, for U.S. Appl. No. 09/400,413, now U.S. Patent No. 6,384,850.

Exhibit J to Radiant Systems, Inc.'s Motion for Leave—Notice of Allowability, Nov. 24, 2004, for U.S. Appl. No. 10/015,729, now U.S. Patent No. 6,871,325.

Ameranth's Opposition to Radiant's Motion for Leave to File a First Amended Complaint, Oct. 22, 2007, *Radiant Systems, Inc. v. Ameranth, Inc.*, 1-07-CV-1641, (N.D. Ga.).

Exhibit 1 to Ameranth's Opposition—International Search Report, Nov. 21, 2000, for PCT/US00/25863.

Exhibit 2 to Ameranth's Opposition—International Search Report, May 17, 2005, for PCT/US04/13206.

Exhibit 3 to Ameranth's Opposition—Written Opinion of the International Searching Authority, May 20, 2005, for PCT/US04/13206.

Exhibit 4 to Ameranth's Opposition—International Search Report, Mar. 1, 2001, for PCT/US00/31510.

Exhibit 5 to Ameranth's Opposition—International Preliminary Examination Report, Jun. 20, 2001, for PCT/US04/13206.

Exhibit 6 to Ameranth's Opposition—International Search Report, Jul. 4, 2003, for PCT/US03/08050.

Exhibit 7 to Ameranth's Opposition—Notice of Allowability, Mar. 18, 2005, U.S. Appl. No. 10/136,873, now U.S. Patent No. 7,028,264.

Exhibit 8 to Ameranth's Opposition—Allowed Claims of U.S. Appl. No. 10/136,873, now U.S. Patent No. 7,028,264.

Exhibit 9 to Ameranth's Opposition—Specification of U.S. Appl. No. 10/136,873, now U.S. Patent No. 7,028,264.

Exhibit 10 to Ameranth's Opposition—Statement Regarding Notice of Allowance, Apr. 12, 2005, U.S. Appl. No. 10/136,873, now U.S. Patent No. 7,028,264.

Exhibit 11 to Ameranth's Opposition—Notice of Allowability, Oct. 15, 2004, U.S. Appl. No. 10/079,739, now U.S. Patent No. 6,857,105.

Radiant Systems, Inc.'s Reply Brief in Further Support of Its Motion for Leave to File a First Amended Complaint, Oct. 29, 2007, *Radiant Systems, Inc. v. Ameranth, Inc.*, 1-07-CV-1641, (N.D. Ga.).

Exhibit A to Radiant Systems, Inc.'s Reply Brief in Further Support

- Hamilton, Martha M., "Computers on the Menu," Washington Business, Dec. 18, 1995.
- Letter from Ronald D. Coleman, President & CEO of MarCole Interactive Systems to George L. Kanabe, Fish & Richardson P.C., Oct. 2, 2007.
- MarCole Enterprises, Inc. Catalog, Tabletop Merchandising and Gift Registry System Flow, 1993.
- MarCole Press Release, *MarCole Introduces New Gift Registry System Products at Retail Systems '96*, May 20, 1996.
- MarCole Press Release, *MarCole Enterprises Wins ISA 's Coveted Interactive Marketing Best Multimedia Application Award*, Jul. 23, 1996.
- MarCole Press Release, *MarCole's Interactive Shopping and Gift Registry System to Rollout to all Reading China & More! Stores*, Sep. 30, 1996.
- MarCole Press Release, *MarCole's Interactive Shopping System to Offer NFL Team Home Products at Super Bowl XXXI*, Jan. 15, 1997.
- Rubinstein, Ed, *Wish Lists, Is Gift Registry the Most Profitable Kiosk of All?*, Kiosk Business, Jan./Feb. 2002.
- MarCole Draft New Release, *MarCole Enterprises Named NCR Retail Solution Partner*, Aug. 19, 1998.
- Brookins, Laurie, *State of the Heart, Crafting a High-Tech Registry for the New Bride and Groom*, The Gourmet Retailer, Nov. 1999.
- Tableware Today, *MarCole Gift Registry Works v.5.0*, Jun./Jul. 2002.
- Kiosk, *The Gift Registry Kiosk*, 2002.
- Killam, Jim, *Interactive Kiosks Score In-Store*, Sales and Marketing Strategies & News, Mar. 1991.
- OfficeWorld News, *Interactive Multimedia Systems Transform Superstore Shopping*, Feb. 1996.
- Jankowski, Wanda, *Electronic Kiosks: Boon for Retailers?*, Gifts & Decorative Accessories, Oct. 1995.
- Hawk, Amanda Kate, *Kiosks! The Good, The Bad, and the Best*, RIS News, Sep. 1996.
- Porter, Thyra, *MarCole Signs New Tabletop Manufacturers*, Kitchenware News, Mar. 1996.
- Promotion Audit, *Office Depot Installs Interactive Shopping System*, Apr. 1996.
- Kehoe, Ann-Margaret, *Wooing Brides with Technology*, Home Furnishings Daily, Oct. 11, 1993.
- Brandweek, *Dayton Hudson Grows Kiosk Test*, Elaine Underwood, May 8, 1995.
- Gift & Stationary Business, *Pull in a China Shop*, Jun. 1993.
- Kehoe, Ann-Margaret, *Technology Comes to Tabletop*, Home Furnishings Daily, May 24, 1993.
- Integrated Restaurant Software, "Dining Out: Baltimore—D.C." video, Nov. 4, 1994.
- CompuWave Media Publication in Taiwan, Pre-Sep. 21, 1999!.
- Squirrel Companies Inc., Squirrel Restaurant Management System Brochure, Pre-Sep. 21, 1999.
- Squirrel Systems, company information web page, <http://web.archive.org/web/19990508153731/www.squirrelsystems.com/about/company.html>, May 8, 1999.
- Squirrel Systems, products web page, <http://web.archive.org/web/19990508175824/www.squirrelsystems.com/products/newsq.html>, May 8, 1999.
- Robin Berger, "POS Positions Spago for Growth," <http://web.archive.org/web/19991009105324/www.squirrelsystems.com/media/articles/spago.html>, <http://web.archive.org/web/19991112165756/www.squirrelsystems.com/media/articles.html>, Hospitality Technology, Apr./May 1997.
- Squirrel Companies Inc., System Setup Version 3.0x, Copyright 1989.
- Squirrel Companies Inc., Squirrel Restaurant Management System Brochure, Pre-Sep. 21, 1999!.
- Squirrel Systems, "SQUIRREL® Companies Inc. wins the California Restaurant Association's 1998 EXPO Innovator Award in the Technology category", <http://web.archive.org/web/19991013045515/squirrelsystems.com/media/pr/aug2098.html>, Aug. 20, 1998.
- Business Wire, Fujitsu and Sulcus Hospitality Group partner to Business Wire, "Sulcus's Squirrel and cybermeals Ink Technology Alliance; cybermeals New Menucaster Software to be Bundled into Squirrel's Touch Tomorrow Point of Sale Package," [http://findarticles.com/p/articles/mi\\_m0EIN/is\\_1998\\_Feb\\_24/ai\\_20316339?tag=content;coll](http://findarticles.com/p/articles/mi_m0EIN/is_1998_Feb_24/ai_20316339?tag=content;coll), Business Wire, Feb. 24, 1998.
- Business Wire, "Accel Partners Invest \$10 Million in cybermeals", <http://www.allbusiness.com/banking-finance/financial-markets-investing/6840069-1.html>, Business Wire, May 28, 1998.
- Revshare.com, cybermeal revenue sharing program, <http://web.archive.org/web/19980124080645/http://www.revshare.com/>, Jan. 24, 1998.
- Squirrel Systems, SQ Classic product webpage, [http://web.archive.org/web/19991010022213/www.squirrelsystems.com/products/sq\\_classic.html](http://web.archive.org/web/19991010022213/www.squirrelsystems.com/products/sq_classic.html), Oct. 10, 1999.
- Squirrel Systems, "Brew Moon Management Toasts SQUIRREL's 'Seamless Solution'", <http://web.archive.org/web/19990508170309/www.squirrelsystems.com/media/articles/brewmoon.html>, Nov. 1998.
- Squirrel Systems, "Squirrel Customer Profile: Chevy's Fresh Mex", <http://www.squirrelsystems.com/news/articles/9808.html>, Aug. 1998.
- Micros Systems, Inc., "8700 HMS Version 2.10 User's Manual", <http://web.archive.org/web/19961111034156/www.micros.com/frames/servdine.htm>, Copyright 1997.
- Micros Systems, Inc., core products web page, <http://web.archive.org/web/19961111034156/www.micros.com/frames/servdine.htm>, Nov. 11, 1996.
- Micros Systems, Inc., new products web page, <http://web.archive.org/web/1996111103410/www.micros.com/frames/innovats.htm>, Nov. 11, 1996.
- Micros Systems, Inc., quick service products web page, <http://web.archive.org/web/19961111034149/www.micros.com/frames/quickserv.htm>, Nov. 11, 1996.
- Micros Systems, Inc., company information web page, <http://web.archive.org/web/19961111034029/www.micros.com/frames/about.htm>, Nov. 11, 1996.
- Micros Systems, Inc., 8700 HMS Product Overview, <http://web.archive.org/web/19990508144340/www.micros.com/mktg/html/8700over.htm>, May 8, 1999.
- Micros Hospitality Information Systems, "Preliminary Information Packet for the: Micros Hand-Held Touchscreen," Pre-Sep. 21, 1999??.
- Micros Systems, Inc., "The MICROS 2700 HTS Touchscreen", Pre Sep. 21, 1999??.
- Integrated Restaurant Software, RMS Touch—Touch Screen Restaurant Management System product description, <http://web.archive.org/web/19970215025823/www.rmstouch.com/pos.htm>, Feb. 15, 1997.
- Integrated Restaurant Software, company profile web page, <http://web.archive.org/web/19970215025858/www.rmstouch.com/profile.htm>, Feb. 15, 1997.
- Compuwave Technologies, Inc., Elite32 Palm System brochure, Pre-Sep. 21, 1999??.
- Compuwave Technologies, Inc., POSInfrared Restaurant System brochure, Pre-Sep. 21, 1999??.
- Compuwave Technologies, Inc., Wireless POS Drive-Thru System brochure, Pre-Sep. 21, 1999??.
- Compuwave Technologies, Inc., "Compuwave Technologies Approved as Supplier to McDonald's Canada", Compuwave Press Release, Sep. 14, 2000.
- Compuwave Technologies, Inc., Revolutionary Wireless Restaurant System brochure, Pre-Sep. 21, 1999??.
- Menusoft Systems Corporation, "Winning with Windows Digital Dining. Austin.97", Austin, Texas Digital Dining Users' Conference, Feb. 20, 1997.
- Menusoft Systems Corporation, "Digital Dining for Windows User Manual", Copyright 1997.
- Menusoft Systems Corporation, "Digital Dining for Windows v7.0 User Manual", Copyright 1997.
- Menusoft Systems Corporation, "Digital Dining for Windows v7.0 setup manual", Copyright 1997.

Ibertech, Inc., "Ibertech, cybermeals Announce Technology Partnership", [http://findarticles.com/p/articles/mi\\_m0EIN/is\\_1998\\_Feb\\_2/ai\\_20205914/print?tag=artBody;coll](http://findarticles.com/p/articles/mi_m0EIN/is_1998_Feb_2/ai_20205914/print?tag=artBody;coll), Business Wire. Feb. 2, 1998.

Ed Rubenstein, "Future Food for Thought", [http://findarticles.com/p/articles/mi\\_m3190/is\\_/ai\\_20462276](http://findarticles.com/p/articles/mi_m3190/is_/ai_20462276), Nation's Restaurant News, Mar. 30, 1998.

Ameranth Technology Systems, Inc., company home page <http://web.archive.org/web/19981202001436/http://www.ameranth.com/>, Dec. 2, 1998.

Compuwave Technologies, Inc., company information web page, <http://web.archive.org/web/20010207174316/www.compuwave.net/about.htm>. Feb. 7, 2001.

Collins & Malik, "Hospitality Information Technology", pp. 214-376, Kendall/Hunt Pub. Co., 3d Ed., 1998.

Hospitality Technology, pp. 14,26,34, Jan. 1997.

"Wireless Technologies and the National Information Infrastructure", OTA-ITC-622 GPO stock #052-003-01421-1, pp. 99-131, Sep. 1995.

Judgment on Jury Verdict, Sept 21, 2010, *Ameranth, Inc. v. Monusoft Systems Corp. and Cash Register Sales & Service of Houston, Inc.*, Case No. 2:07-CV-271-CE (E.D. Tex.).

Plaintiffs Final Trial Exhibit List, *Ameranth, Inc. v. Menusoft Systems Corp. and Cash Register Sales & Service of Houston Inc.*, Case No. 2:07-CV-271-CE (E.D. Tex.).

Defendants' Final Trial Exhibit List, *Ameranth, Inc. v. Menusoft Systems Corp. and Cash Register Sales & Service of Houston, Inc.*, Case No. 2:07-CV-271-CE (E.D. Tex.).

\* cited by examiner

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