EXHIBIT Q





UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS

P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

| _ | | | | | | |
|---|----------------------|----------------------------|----------------------|---------------------|------------------|--|
| | APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
| | 17/086,181 | 10/30/2020 | Keith R. McNally | 1245-003.CN3 | 9878 | |
| | 24955 ROGITZ & AS | 7590 10/14/202 SOCIATES | 1 | EXAMINER | | |
| | Jeanne Gahagar | n | | CHAMPAGNE, LUNA | | |
| | SUITE 230 | ole Court | | ART UNIT | PAPER NUMBER | |
| | SAN DIEGO, O | CA 92108 | . 92108 | | 3627 | |
| | | | | NOTIFICATION DATE | DELIVERY MODE | |
| | | | | 10/14/2021 | ELECTRONIC | |

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

John@rogitz.com Noelle@rogitz.com eofficeaction@appcoll.com



| Case 2:22-cv-01776-WSH Docur | <u>nent 29-17 Filed 07/20/2</u> | 3 Page 3 | of 33 | | | | |
|---|---|--|--|--|--|--|--|
| | Application No. 17/086,181 | Applicant(s) McNally, Keith R. | | | | | |
| Office Action Summary | Examiner | Art Unit | AIA (FITF) Status | | | | |
| | LUNA CHAMPAGNE | 3627 | No | | | | |
| The MAILING DATE of this communication appo | ears on the cover sheet with the | corresponder | nce address | | | | |
| Period for Reply | | | | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing adjustment. See 37 CFR 1.704(b). | 36(a). In no event, however, may a reply be to will apply and will expire SIX (6) MONTHS from cause the application to become ABANDO1 | timely filed after SIX om the mailing date NED (35 U.S.C. § 1: | ((6) MONTHS from the mailing of this communication. | | | | |
| Status | | | | | | | |
| 1) Responsive to communication(s) filed on 07 € | October 2021. | | | | | | |
| ☐ A declaration(s)/affidavit(s) under 37 CFR 1 | .130(b) was/were filed on | <u></u> . | | | | | |
| 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 allow closed in accordance with the practice under | • | | | | | | |
| Disposition of Claims* | | | | | | | |
| 5) ☑ Claim(s) <u>1-16</u> is/are pending in the app | | | | | | | |
| 5a) Of the above claim(s) <u>1,3-8 and 13-16</u> is/ | are withdrawn from considera | ation. | | | | | |
| 6) Claim(s) is/are allowed. | | | | | | | |
| 7) ✓ Claim(s) 2 and 9-12 is/are rejected. | | | | | | | |
| 8) Claim(s) is/are objected to. | | | | | | | |
| 9) Claim(s) are subject to restriction ar | nd/or election requirement | | | | | | |
| * If any claims have been determined allowable, you may be eligible to benefit from the Patent Prosecution Highway program at a | | | | | | | |
| participating intellectual property office for the corresponding ap | | | | | | | |
| http://www.uspto.gov/patents/init_events/pph/index.jsp or send | an inquiry to PPHfeedback@usp | o.gov. | | | | | |
| Application Papers | | | | | | | |
| 10) The specification is objected to by the Examir | ner. | | | | | | |
| 11)☑ The drawing(s) filed on 1030/20 is/are: a)☑ accepted or b)☐ objected to by the Examiner. | | | | | | | |
| Applicant may not request that any objection to the dr | | | · | | | | |
| Replacement drawing sheet(s) including the correction | n is required if the drawing(s) is ob | ected to. See 3 | 7 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 company of the | ha· | | | | | | |
| 1.☐ Certified copies of the priority docum | | | | | | | |
| Certified copies of the priority docum Certified copies of the priority documents of th | | Annlication M | <u>, </u> | | | | |
| | | | | | | | |
| 3. Copies of the certified copies of the application from the International Bu | ireau (PCT Rule 17.2(a)). | rreceived III I | inis ivalional staye | | | | |
| ** See the attached detailed Office action for a list of the certific | ea copies not received. | | | | | | |
| Attachment(s) | | | | | | | |
| 1) Volice of References Cited (PTO-892) | 3) Interview Summa | ary (PTO-413) | | | | | |
| 2) Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/S | B/08b) Paper No(s)/Mail Other: | Date | | | | | |
| | 4) Olner: . | | | | | | |



Application/Control Number: 17/086,181 Page 2

Art Unit: 3627

Notice of Pre-AIA or AIA Status

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

Election/Restrictions

Applicant's election without traverse of claims 2, 9-12 in the reply filed on 9/23/21 is acknowledged.

Claims 1, 3-8, 13-16 are withdrawn. Claims 2, 9-12 are presented for examination.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 3/29/21 has been considered by the examiner.

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.

Claim 1 recites the limitation "said web server computer" line 3. There is insufficient antecedent basis for this limitation in the claim. Furthermore, it is unclear if the web server computer is the "intelligent web server".

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, 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.



Case 2:22-cv-01776-WSH Document 29-17 Filed 07/20/23 Page 5 of 33

Application/Control Number: 17/086,181

Art Unit: 3627

Page 3

(2004/0125940 A1), in view of BUTTERLY et al. (2002/0123913 A1), in view of Gardner et al.

Claims 2, 9-12 rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Turcan et al.

(2002/0178034 A1).

Re-claim 2, Turcan et al. disclose An intelligent web server with multi-modes of contact, multi-

communications protocols, multi-user and parallel operational capabilities for use in a hospitality market

comprising;

--at least one said web server computer; at least one hospitality software application, stored and integrated

with at least one web server computer; (see e.g. paragraphs [0016] - an application program installed in the

agent station. -[0040] The DHCC Application 110 may be downloaded from telecommunications network 204, data

network 230, or provided on a storage media (e.g., diskette, CD-ROM, or installed by the computer system

manufacturer) to install on the agent workstation 100 to enable, disable, and further control a variety of DHCC Services).

--a master database comprising data and parameters of the at least one hospitality software application

stored with the at least one web server computer and with a usable file structure dictated prior to execution

--and with predefined formats stored within it and which intelligently learns, updates and stores multiple

communication modes of contact and related operational parameters with hospitality entities and for

hospitality users along with their prior preferences, if any; (see e.g. paragraphs [0012]-a memory device for

storing the data, a processor communicating with the memory device, and a call center application for managing a

communications profile. -- The processor selects data stored in the memory device based upon the communications

profile, and typically includes information about (1) guest data associated with the incoming communication, (2) data

associated with the designated party, (3) data associated with at least one of services, products, and business

operations affiliated with the hospitality call center, (4) data associated with network configuration, (5) data associated

with a configuration profile of the communications device, and (6) data associated with communications systems of the

hospitality call center.

[0045]- For example, the data stored on file server 216 may need to be converted from a data format compatible with

the agent station 100 (and/or for storage on the file server 216) to another data format compatible with the

communications device. The data formats may include printed text formats, a voice data formats, a video data formats,

a dual tone multi-frequency data formats, and a digital data format (e.g., ASCII).

[0038]- (5) customizing the communications profile associated with DHCC DataServer 42 including an access agent, a

messaging agent, and a hospitality center requirements agent; --DHCC Application 110 allows the agent to control how

DOCKET A L A R M

Find authenticated court documents without watermarks at docketalarm.com.

DOCKET

Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time** alerts and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.

