

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Western District of Texas - Waco Division on the following

☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

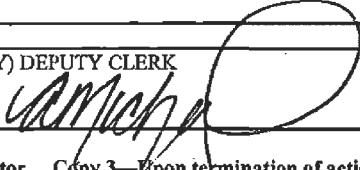
DOCKET NO. 6:19-cv-00513	DATE FILED 8/30/2019	U.S. DISTRICT COURT Western District of Texas - Waco Division
PLAINTIFF CloudofChange, LLC		DEFENDANT NCR Corporation
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 SEE ATTACHED		
2 9400640		
3 10083012		
4		
5		

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
1		
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Jeannette J. Clack	(BY) DEPUTY CLERK 	DATE 8/30/2019
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy



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.
15/635,097	09/25/2018	10083012	MERZ010.001C2	1830

20995 7590 09/05/2018
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614
UNITED STATES OF AMERICA

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 0 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):

Wayne BARATTA, Poughkeepsie, NY;
CloudfChange, LLC, Poughkeepsie, NY
Quentin OLSON, Port Townsend, WA;

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.

PTO/SB/08 Equivalent

INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Multiple sheets used when necessary)</i> SHEET 1 OF 1	Application No.	Unknown
	Filing Date	Herewith
	First Named Inventor	Wayne Baratta
	Art Unit	Unknown
	Examiner	Unknown
	Attorney Docket No.	MERZ010.001C2

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	1	5,818,428	10-06-1998	Eisenbrandt, et al.	
	2	5,956,716	09-21-1999	~~Intervu, Inc.~~	Kenner et al.
	3	5,987,426	11-16-1999	Goodwin, III	
	4	6,629,080	09-30-2003	Kolis	
	5	7,015,945	03-21-2006	~~Visilinx Inc.~~	Sullivan
	6	7,051,091	05-23-2006	Cohen, et al.	
	7	2003/0041330	02-27-2003	Smith	
	8	2004/0128199	07-01-2004	~~Chicken Out, Inc.~~	Cusack et al.
	9	2004/0181454	09-16-2004	Manno	
	10	2005/0021409	01-27-2005	Michaud, Jr., et al.	
	11	2008/0077872	03-27-2008	~~Yed Ltd.~~	Zeevi et al.

Change(s) applied
to document,
/C.H.J/
8/29/2018

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document Country Code-Number-Kind Code Example: JP 1234567 A1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ¹

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ¹
	12	Co-pending US Patent TY06-001, Serial No. 11/710,722, File date: February 26, 2007, "Point of Sale System with Web-Based Back-Office," by Quentin Olson, 25 pgs.	
	13	Co-pending US Patent TY06-002, Serial No. 11/710,723, File date: February 26, 2007, "Point of sale Video Server Processing System," by Quentin Olson et al., 24 pgs.	
	14	Co-pending US Patent TY06-003, Serial No. 12/012,393, File date: February 1, 2008, "Hand-Held Web Browser Inventory Checking System," by Quentin Olson et al., 24 pgs.	
	15	Localsoft Tech, db2k e-Store Builder 3.00 details, 3 pgs, found 02/08/2008, http://www.soft32download.com/software/dbk-e-Store-BUILDER-download-details.html	
	16	IBM 4690 ASTRA - Graphical User Interface (GUI) - Specifications, 1 pg., found 02/08/2008, http://www.03.ibm.com/products/retail/products/software/gui/astra/specs.html	

26189695

12/4/11 08/25/18

Examiner Signature /ROKIB MASUD/	Date Considered 08/25/2018
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

T¹ - Place a check mark in this area when an English language Translation is attached.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /R.M./

PTO/SB/08 Equivalent

INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Multiple sheets used when necessary)</i>	Application No.	Unknown
	Filing Date	Herewith
	First Named Inventor	Wayne Baratta
	Art Unit	Unknown
	Examiner	Unknown
SHEET 1 OF 1	Attorney Docket No.	MERZ010.001C2

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	7	2003/0041330	02-27-2003	Smith	
	8	2004/0128199	07-01-2004	Chicken-Out, Inc	
	9	2004/0181454	09-16-2004	Manno	
	10	2005/0021409	01-27-2005	Michaud, Jr., et al.	
	11	2008/0077872	03-27-2008	Ycd Ltd.	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Foreign Patent Document Country Code-Number-Kind Code Example: JP 1234567 A1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ¹
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NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ¹
	12	Co-pending US Patent TY06-001, Serial No. 11/710,722, File date: February 26, 2007, "Point of Sale System with Web-Based Back-Office," by Quentin Olson, 25 pgs.	
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	14	Co-pending US Patent TY06-003, Serial No. 12/012,393, File date: February 1, 2008, "Hand-Held Web Browser Inventory Checking System," by Quentin Olson et al., 24 pgs.	
	15	Localsoft Tech, db2k e-Store Builder 3.00 details, 3 pgs, found 02/08/2008, http://www.soft32download.com/software/dbk-e-Store-Builder-download-details.html	
	16	IBM 4690 ASTRA – Graphical User Interface (GUI) – Specifications, 1 pg., found 02/08/2008, http://www.03.ibm.com/products/retail/products/software/gui/astra/specs.html	

26189695

Examiner Signature /ROKIB MASUD/	Date Considered 08/25/2018
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

T¹ - Place a check mark in this area when an English language Translation is attached.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /R.M./

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

20995 7590 08/08/2018
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CALIFORNIA 92614
UNITED STATES OF AMERICA

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/635,097	06/27/2017	Wayne BARATTA	MERZ010.001C2	1830

TITLE OF INVENTION: WEB-BASED POINT OF SALE BUILDER

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1000	\$0.00	\$0.00	\$1000	11/08/2018

EXAMINER	ART UNIT	CLASS-SUBCLASS
MASUD, ROKIB	3687	705-028000

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/12.2) 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 _____
 2 **Knobbe, Martens,**
 3 **Olson & Bear, LLP**

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)

CLOUDOFCHANGE, LLC

POUGHKEEPSIE, NEW YORK

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number **11-1410** (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 /Keith M. Lim/ Date 2018-08-21

Typed or printed name Keith M. Lim Registration No. 68,912

Please Direct All Correspondence to Customer Number 20995

COMMENTS ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

Inventor	:	Wayne Baratta
App. No	:	15/635097
Filed	:	June 27, 2017
For	:	WEB-BASED POINT OF SALE BUILDER
Examiner	:	Masud, Rokib
Art Unit	:	3687
Conf No.	:	1830

Mail Stop Issue Fee

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

Dear Commissioner:

Applicant thanks the Examiner for the indication of allowable subject matter in the Statement of Reasons for Allowance ("Statement") mailed August 8, 2018.

Applicant respectfully traverses the Statement to the extent it suggests that patentability rests on a particular feature, or combination of particular features, of a particular claim or claims. It is each claim, taken as a whole and independent from other claims, that determines patentability. Moreover, the Statement appears to paraphrase certain limitations of the claims. Applicant respectfully objects to the Statement to the extent it may imply that any of the claims require something other than the combination of recited limitations.

Applicant respectfully objects to the Statement to the extent it may imply that patentability of the dependent claims rests solely on patentability of the independent claims. Applicant respectfully submits that each claim is patentable because of the particular combination of recited limitations.

Docket No.: MERZ010.001C2
App. No.: 15/635097

August 21, 2018
Page 2 of 2

Applicant does not acquiesce to characterizations of the cited art, such as the statement that the cited art is prior art or what the cited art discloses. The Examiner is invited to contact the undersigned with any questions.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: August 21, 2018

By: Keith M. Lim/
Keith M Lim
Registration No. 68,912
Registered Practitioner
Customer No. 20995
(949) 760-0404

28864314

Electronic Patent Application Fee Transmittal				
Application Number:		15635097		
Filing Date:		27-Jun-2017		
Title of Invention:		WEB-BASED POINT OF SALE BUILDER		
First Named Inventor/Applicant Name:		Wayne BARATTA		
Filer:		Keith M Lim		
Attorney Docket Number:		MERZ010.001C2		
Filed as Large 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	1501	1	1000	1000

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				1000

Electronic Acknowledgement Receipt	
EFS ID:	33479435
Application Number:	15635097
International Application Number:	
Confirmation Number:	1830
Title of Invention:	WEB-BASED POINT OF SALE BUILDER
First Named Inventor/Applicant Name:	Wayne BARATTA
Customer Number:	20995
Filer:	Keith M Lim/ThuyQuyen Nguyen
Filer Authorized By:	Keith M Lim
Attorney Docket Number:	MERZ010.001C2
Receipt Date:	21-AUG-2018
Filing Date:	27-JUN-2017
Time Stamp:	14:36:25
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$ 1000
RAM confirmation Number	082218INTEFSW14382101
Deposit Account	111410
Authorized User	ThuyQuyen Nguyen
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 37 CFR 1.16 (National application filing, search, and examination fees) 37 CFR 1.17 (Patent application and reexamination processing fees)	

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	IssueFee.pdf	183765	no	1
			90fce65b82da763ecbd4e0adef9e943457b07fb1		
Warnings:					
Information:					
2	Post Allowance Communication - Incoming	Post_Allowance_Communication.pdf	19767	no	2
			5e84f6b2a8e52f09a700b174b88bbf6c94aafe2b		
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30121	no	2
			e1a5dfc846ef9a5048a82048f1bb6638ca314118		
Warnings:					
Information:					
Total Files Size (in bytes):			233653		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					



UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOTICE OF ALLOWANCE AND FEE(S) DUE

20995 7590 08/08/2018
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CALIFORNIA 92614
UNITED STATES OF AMERICA

EXAMINER

MASUD, ROKIB

ART UNIT

PAPER NUMBER

3687

DATE MAILED: 08/08/2018

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/635,097	06/27/2017	Wayne BARATTA	MERZ010.001C2	1830

TITLE OF INVENTION: WEB-BASED POINT OF SALE BUILDER

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1000	\$0.00	\$0.00	\$1000	11/08/2018

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885**

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IRVINE, CALIFORNIA 92614
UNITED STATES OF AMERICA

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

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(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/635,097	06/27/2017	Wayne BARATTA	MERZ010.001C2	1830

TITLE OF INVENTION: WEB-BASED POINT OF SALE BUILDER

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1000	\$0.00	\$0.00	\$1000	11/08/2018

EXAMINER	ART UNIT	CLASS-SUBCLASS
MASUD, ROKIB	3687	705-028000

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 _____ 2 _____ 3 _____
---	---

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The director is hereby authorized to charge the required fee(s), any deficiency, or 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. _____



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/635,097	06/27/2017	Wayne BARATTA	MERZ010.001C2	1830
20995 7590 08/08/2018 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CALIFORNIA 92614 UNITED STATES OF AMERICA			EXAMINER MASUD, ROKIB	
			ART UNIT 3687	PAPER NUMBER
DATE MAILED: 08/08/2018				

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.

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. 15/635,097	Applicant(s) BARATTA et al.	
	Examiner ROKIB MASUD	Art Unit 3687	AIA 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 amendment and argument and Terminal Disclaimer filed on April 23, 2018.
☐ 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 3-6,8-17,19 and 23-27. 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 <u>4/26/18</u> . 3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material _____. 4. ☐ Interview Summary (PTO-413), Paper No./Mail Date. _____.	5. ☐ Examiner's Amendment/Comment 6. ☒ Examiner's Statement of Reasons for Allowance 7. ☐ Other _____.
--	--

/ROKIB MASUD/ Primary Examiner, Art Unit 3687	
--	--

Notice of Pre-AIA or AIA Status

The present application is being examined under the pre-AIA first to invent provisions. This Office Action responds to the amendment and argument filed by applicant on April 23, 2018 and the terminal disclaimer approved on April 23, 2018.

Priority

This application is a continuation of U.S. Patent application serial number 12/012,866, filed on 02/05/08.

Status of the Claims

- Claims 3-6, 8-17, 19 and 23-27 are pending.
- Claims 1-2, 7, 18, 20-22 are cancelled.

Allowance

Claims 3-6, 8-17, 19 and 23-27 are allowed. Applicant's argument filed on April 23, 2018 have been considered and they are persuasive.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: The primary reason for the allowance of these claims in this case is the inclusion of the limitation of claim 1 wherein

wherein said POS builder interface is configured to be utilized to access said POS builder software for programmatically creating or modifying said one or more POS terminals in real time over the communications network, wherein said POS builder software is configured to interact with said one or more POS terminals over the communications network in order for the web-based point of sale (POS) builder system to perform functions in accordance with instructions sent from the POS builder interface and wherein said POS transactions and corresponding transaction data from said one or more POS terminals are configured to be transmitted to said web server via the communications network, which is not found in the prior art of records. Independent claim 17 contain similar subject matter. Dependent claims are also allowable based upon their dependence on the independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROKIB MASUD whose telephone number is (571)270-5390. The examiner can normally be reached on Mon-Fri 8:00-5:00.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fahd Obeid can be reached on 571-270-3324. 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.

/ROKIB MASUD/
Primary Examiner, Art Unit 3687

<i>Notice of References Cited</i>	Application/Control No. 15/635,097		Applicant(s)/Patent Under Reexamination BARATTA et al.	
	Examiner ROKIB MASUD		Art Unit 3687	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-20040181454-A1	09-2004	Manno, Michael	G06Q20/20	705/21
*	B	US-20050021409-A1	01-2005	Michaud, Gene R. JR.	G06Q20/20	705/16
*	C	US-20080077872-A1	03-2008	Zeevi, Dani	G06F3/0481	715/762
*	D	US-20040128199-A1	07-2004	Cusack, Bob	G06Q20/20	705/16
	E					
	F					
	G					
	H					
	I					
	J					
	K					
	L					
	M					

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

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

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

Issue Classification 	Application/Control No. 15/635,097	Applicant(s)/Patent Under Reexamination BARATTA et al.
	Examiner ROKIB MASUD	Art Unit 3687

CPC						
Symbol					Type	Version
G06F	/	8	/	30	F	2013-01-01
G06F	/	8	/	34	I	2013-01-01
G06Q	/	30	/	06	I	2013-01-01
G06Q	/	20	/	20	I	2013-01-01
H04L	/	67	/	02	I	2013-01-01
G06Q	/	20	/	202	I	2013-01-01

CPC Combination Sets					
Symbol		Type	Set	Ranking	Version
	/				

NONE (Assistant Examiner) _____ (Date) _____		Total Claims Allowed: 20	
/ROKIB MASUD/ Primary Examiner, Art Unit 3687 (Primary Examiner) _____ (Date) 31 July 2018		O.G. Print Claim(s) 1	O.G. Print Figure 3

Issue Classification 	Application/Control No. 15/635,097	Applicant(s)/Patent Under Reexamination BARATTA et al.
	Examiner ROKIB MASUD	Art Unit 3687

INTERNATIONAL CLASSIFICATION			
CLAIMED			
G06Q		10	00
NON-CLAIMED			

US ORIGINAL CLASSIFICATION	
CLASS	SUBCLASS
705	28

CROSS REFERENCES(S)						
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)					
705	29					

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	20	
/ROKIB MASUD/ Primary Examiner, Art Unit 3687	31 July 2018	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	3

Issue Classification 	Application/Control No. 15/635,097	Applicant(s)/Patent Under Reexamination BARATTA et al.
	Examiner ROKIB MASUD	Art Unit 3687

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47															
CLAIMS															
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	3	12	13	16	26										
2	4	13	14	17	27										
3	5	8	15												
4	6	9	16												
5	8	14	17												
6	9	15	19												
7	10	18	23												
10	11	19	24												
11	12	20	25												

NONE (Assistant Examiner) _____ (Date) _____		Total Claims Allowed: 20	
/ROKIB MASUD/ Primary Examiner, Art Unit 3687 (Primary Examiner) _____ (Date) _____		O.G. Print Claim(s) 1	O.G. Print Figure 3

<i>Search Notes</i> 	Application/Control No. 15/635,097	Applicant(s)/Patent Under Reexamination BARATTA et al.
	Examiner ROKIB MASUD	Art Unit 3687

CPC - Searched*		
Symbol	Date	Examiner
G 06Q 20/202; G 06 F 8/30;	04/01/2018	R. M.
G 06Q 20/20; G 06Q 30/06	07/30/2018	R. M.

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
705	16; 28	04/01/2018	R. M.

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	Date	Examiner
EAST, GOOGLE PATENT, NPL, IDS	04/01/2018	R. M.

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
705	29	07/30/2018	R. M.

/ROKIB MASUD/ Primary Examiner, Art Unit 3687	
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PTO/SB/08 Equivalent

INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Multiple sheets used when necessary)</i>	Application No.	15/635097
	Filing Date	June 27, 2017
	First Named Inventor	Wayne Baratta
	Art Unit	3687
Examiner		Masud, Rokib
SHEET 1 OF 1		Attorney Docket No. MERZ010.001C2

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number <i>Number - Kind Code (if known)</i> Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	1	US2007/0276763 A1	11-29-2007	Kleinman et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document <i>Country Code-Number-Kind Code</i> Example: JP 1234567 A1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ¹

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ¹
	2	MICROS Symphony™, http://www.micros.com:80/Products/Symphony/ , dated 2006, in 1 page.	
	3	MICROS Symphony™, http://www.micros.com:80/Products/Symphony/ , dated 2006, in 1 page.	
	4	MICROS Symphony™, http://www.micros.com:80/Products/Symphony/ , dated 2006, in 1 page	
	5	MICROS mymicros.net, http://www.micros.com:80/Products/Symphony/ , dated 2006, in 1 page.	
	6	MICROS Restaurants, http://www.micros.com:80/Products/Symphony/ , dated 2006, in 2 pages.	

28164299

Examiner Signature /ROKIB MASUD/	Date Considered 07/31/2018
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

T¹ - Place a check mark in this area when an English language Translation is attached.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /R.M./



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
15/635,097	06/27/2017	Wayne BARATTA	MERZ010.001C2

CONFIRMATION NO. 1830

POA ACCEPTANCE LETTER

20995

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614



Date Mailed: 04/26/2018

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/23/2018.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/ggasgedom/



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	TOT CLAIMS	IND CLAIMS
15/635,097	06/27/2017	3687	930	MERZ010.001C2	25	2

CONFIRMATION NO. 1830
CORRECTED FILING RECEIPT



000000099031871

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Date Mailed: 04/26/2018

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Inventor(s)

Wayne BARATTA, Poughkeepsie, NY;
Quentin OLSON, Port Townsend, WA;

Applicant(s)

CloudfChange, LLC, Poughkeepsie, NY

Power of Attorney: The patent practitioners associated with Customer Number 20995

Domestic Priority data as claimed by applicant

This application is a CON of 15/198,117 06/30/2016 PAT 9715371
which is a CON of 12/012,666 02/05/2008 PAT 9400640

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.) - None.

Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

Permission to Access Application via Priority Document Exchange: Yes

Permission to Access Search Results: Yes

Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

If Required, Foreign Filing License Granted: 07/06/2017

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 15/635,097**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

WEB-BASED POINT OF SALE BUILDER

Preliminary Class

705

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4258).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SelectUSA

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 U.S. offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to promote and facilitate business investment. SelectUSA provides information assistance to the international investor community; serves as an ombudsman for existing and potential investors; advocates on behalf of U.S. cities, states, and regions competing for global investment; and counsels U.S. economic development organizations on investment attraction best practices. To learn more about why the United States is the best country in the world to develop technology, manufacture products, deliver services, and grow your business, visit <http://www.SelectUSA.gov> or call +1-202-482-6800.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application No.	15/635097
	Filing Date	June 27, 2017
	First Named Inventor	Wayne Baratta
	Art Unit	3687
(Multiple sheets used when necessary)	Examiner	Masud, Rokib
SHEET 1 OF 1	Attorney Docket No.	MERZ010.001C2

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number <i>Number - Kind Code (if known)</i> Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	1	US2007/0276763 A1	11-29-2007	Kleinman et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document <i>Country Code-Number-Kind Code</i> Example: JP 1234567 A1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ¹

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ¹
	2	MICROS Symphony™, http://www.micros.com:80/Products/Symphony/ , dated 2006, in 1 page.	
	3	MICROS Symphony™, http://www.micros.com:80/Products/Symphony/ , dated 2006, in 1 page.	
	4	MICROS Symphony™, http://www.micros.com:80/Products/Symphony/ , dated 2006, in 1 page	
	5	MICROS mymicros.net, http://www.micros.com:80/Products/Symphony/ , dated 2006, in 1 page.	
	6	MICROS Restaurants, http://www.micros.com:80/Products/Symphony/ , dated 2006, in 2 pages.	

28164299

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

T¹ - Place a check mark in this area when an English language Translation is attached.

Electronic Patent Application Fee Transmittal				
Application Number:		15635097		
Filing Date:		27-Jun-2017		
Title of Invention:		WEB-BASED POINT OF SALE BUILDER		
First Named Inventor/Applicant Name:		Wayne BARATTA		
Filer:		Keith M Lim		
Attorney Docket Number:		MERZ010.001C2		
Filed as Large 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:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
SUBMISSION- INFORMATION DISCLOSURE STMT	1806	1	240	240
Total in USD (\$)				240

Electronic Acknowledgement Receipt	
EFS ID:	32452662
Application Number:	15635097
International Application Number:	
Confirmation Number:	1830
Title of Invention:	WEB-BASED POINT OF SALE BUILDER
First Named Inventor/Applicant Name:	Wayne BARATTA
Customer Number:	20995
Filer:	Keith M Lim
Filer Authorized By:	
Attorney Docket Number:	MERZ010.001C2
Receipt Date:	26-APR-2018
Filing Date:	27-JUN-2017
Time Stamp:	17:40:33
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment		no			
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		IDS_C2.pdf	38936	yes	2
			c9321a3c064d45acd5f9a43c7541c8d39a8f1f16		

	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Transmittal Letter		1	1	
	Information Disclosure Statement (IDS) Form (SB08)		2	2	
Warnings:					
Information:					
2	Non Patent Literature	micros_simphony.pdf	98472	no	1
			83e57101f8a9acea4a8530ee7299a4791f43b558		
Warnings:					
Information:					
3	Non Patent Literature	micros_simphony2.pdf	98657	no	1
			0ad3f6ad38b0755eaeefc15c34cb28dddbd3e8ee6		
Warnings:					
Information:					
4	Non Patent Literature	micros_simphony3.pdf	85538	no	1
			1a28482326b4d1836d54a8dd3004841c5f9f1857		
Warnings:					
Information:					
5	Non Patent Literature	micros_mymicros.pdf	77835	no	1
			4aa686d1c0aaf2617d5efd2d5bced70e4b76d4a4		
Warnings:					
Information:					
6	Non Patent Literature	micros_restaurants.pdf	97427	no	2
			1fda53ad21a81bc24e2f01db8ee580d0ac77fac		
Warnings:					
Information:					
7	Fee Worksheet (SB06)	fee-info.pdf	30410	no	2
			8bc49ed6c479f0c5291087457f14a8a6406bd52d		
Warnings:					

Information:	
Total Files Size (in bytes):	527275
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.	

INFORMATION DISCLOSURE STATEMENT

First Inventor	:	Wayne Baratta
App. No.	:	15/635097
Filed	:	June 27, 2017
For	:	WEB-BASED POINT OF SALE BUILDER
Examiner	:	Masud, Rokib
Art Unit	:	3687
Conf. No.	:	1830

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

References and Listing

Pursuant to 37 CFR 1.56, an Information Disclosure Statement listing references is provided herewith. Copies of any listed foreign and non-patent literature references are being submitted.

No Disclaimers

To the extent that anything in the Information Disclosure Statement or the listed references could be construed as a disclaimer of any subject matter supported by the present application, Applicant hereby rescinds and retracts such disclaimer.

Timing of Disclosure

This Information Disclosure Statement is being filed after receipt of a First Office Action, but before the mailing date of a Final Action and before the mailing date of a Notice of Allowance. This Statement is accompanied by the fees set forth in 37 CFR 1.17(p). The Commissioner is hereby authorized to charge any additional fees which may be required or to credit any overpayment to Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: April 26, 2018

By: Keith M. Lim
Keith M Lim
Registration No. 68,912
Registered Practitioner
Customer No. 20995
(949) 760-0404

28164286

Doc Code: DIST.E.FILE Document Description: Electronic Terminal Disclaimer - Filed		PTO/SB/26 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT	
Application Number	15635097	
Filing Date	27-Jun-2017	
First Named Inventor	Wayne BARATTA	
Attorney Docket Number	MERZ010.001C2	
Title of Invention	WEB-BASED POINT OF SALE BUILDER	
☒ Filing of terminal disclaimer does not obviate requirement for response under 37 CFR 1.111 to outstanding Office Action ☒ This electronic Terminal Disclaimer is not being used for a Joint Research Agreement.		
Owner	Percent Interest	
CloudfChange, LLC	100%	
The owner(s) with percent interest listed above 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 of prior patent number(s) 9715371 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; - has all claims canceled by a reexamination certificate; - is reissued; or - is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included with Electronic Terminal Disclaimer request.		

☐ I certify, in accordance with 37 CFR 1.4(d)(4), that the terminal disclaimer fee under 37 CFR 1.20(d) required for this terminal disclaimer has already been paid in the above-identified application.	
Applicant claims the following fee status: ☐ Small Entity ☐ Micro Entity ☒ Regular Undiscounted	
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.	
THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES I certify, in accordance with 37 CFR 1.4(d)(4) that I am: ☒ An attorney or agent registered to practice before the Patent and Trademark Office who is of record in this application Registration Number <u>68912</u> ☐ A sole inventor ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors as evidenced by the power of attorney in the application ☐ A joint inventor; all of whom are signing this request	
Signature	/Keith M. Lim/
Name	Keith M. Lim

*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.

Electronic Patent Application Fee Transmittal				
Application Number:		15635097		
Filing Date:		27-Jun-2017		
Title of Invention:		WEB-BASED POINT OF SALE BUILDER		
First Named Inventor/Applicant Name:		Wayne BARATTA		
Filer:		Keith M Lim/Heide Young		
Attorney Docket Number:		MERZ010.001C2		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
STATUTORY OR TERMINAL DISCLAIMER	1814	1	160	160
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				160

Doc Code: DISQ.E.FILE

Document Description: Electronic Terminal Disclaimer – Approved

Application No.: 15635097

Filing Date: 27-Jun-2017

Applicant/Patent under Reexamination: BARATTA

Electronic Terminal Disclaimer filed on April 23, 2018

☒ APPROVED

This patent is subject to a terminal disclaimer

☐ DISAPPROVED

Approved/Disapproved by: Electronic Terminal Disclaimer automatically approved by EFS-Web

U.S. Patent and Trademark Office

Electronic Acknowledgement Receipt	
EFS ID:	32365085
Application Number:	15635097
International Application Number:	
Confirmation Number:	1830
Title of Invention:	WEB-BASED POINT OF SALE BUILDER
First Named Inventor/Applicant Name:	Wayne BARATTA
Customer Number:	20995
Filer:	Keith M Lim/Heide Young
Filer Authorized By:	Keith M Lim
Attorney Docket Number:	MERZ010.001C2
Receipt Date:	23-APR-2018
Filing Date:	27-JUN-2017
Time Stamp:	15:40:03
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$160
RAM confirmation Number	042418INTEFSW15400000
Deposit Account	111410
Authorized User	Heide Young
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 37 CFR 1.16 (National application filing, search, and examination fees) 37 CFR 1.17 (Patent application and reexamination processing fees)	

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Terminal Disclaimer-Filed (Electronic)	eTerminal-Disclaimer.pdf	33541	no	2
			4ef6570e62a42a25102a7ab769b28d52b0a13b5f		
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30577	no	2
			0dd63fb6bed33bd280700a251bbb3d60c60795cb		
Warnings:					
Information:					
Total Files Size (in bytes):			64118		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

Please Direct All Correspondence to Customer Number 20995

RESPONSE TO OFFICE ACTION

Inventor	:	Wayne Baratta
App. No	:	15/635097
Filed	:	June 27, 2017
For	:	WEB-BASED POINT OF SALE BUILDER
Examiner	:	Masud, Rokib
Art Unit	:	3687
Conf No.	:	1830

Mail Stop Amendment

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

Dear Commissioner:

In response to the Office Action dated April 5, 2018, in connection with the above-identified patent application, please amend the application as indicated and consider the remarks that follow.

Remarks begin on page 2 of this paper.

REMARKS

This paper is filed in response to the Office Action mailed April 5, 2018 (hereinafter the "Office Action"). Claims 3-6, 8-17, 19 and 23-37 remain pending. In view of the following remarks, Applicants respectfully submit that the application is in condition for allowance.

Submission of Terminal Disclaimer.

The Office Action rejected the claims on obviousness-type double patenting grounds over U.S. Patent No. 9,715,371 (hereinafter "the '371 patent"). In particular, the Office Action rejects Claims 3-6, 8-17, 19 and 23-37 on the grounds of nonstatutory double patenting as allegedly being unpatentable over Claims 1-6 of the '371 patent. Applicant respectfully traverses these rejections.

However, to expedite prosecution, Applicant has submitted a Terminal Disclaimer over the '371 patent. No admission is made that the present application's claims are not patentably distinct from the claims of the '371 patent.

Conclusion

For the foregoing reasons, Applicant respectfully submits that the application is in condition for allowance. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not

Docket No.: MERZ010.001C2
App. No.: 15/635097

April 23, 2018
Page 3 of 3

reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: April 23, 2018

By: Keith M. Lim/

Keith M Lim
Registration No. 68,912
Registered Practitioner
Customer No. 20995
(949) 760-0404

28107049

TRANSMITTAL FOR POWER OF ATTORNEY TO ONE OR MORE REGISTERED PRACTITIONERS

NOTE: This form is to be submitted with the Power of Attorney by Applicant form (PTO/AIA/82B) to identify the application to which the Power of Attorney is directed, in accordance with 37 CFR 1.5, unless the application number and filing date are identified in the Power of Attorney by Applicant form. If neither form PTO/AIA/82A nor form PTO/AIA/82B identifies the application to which the Power of Attorney is directed, the Power of Attorney will not be recognized in the application.

Application Number	15/635097
Filing Date	June 27, 2017
First Named Inventor	Baratta, Wayne
Title	WEB-BASED POINT OF SALE BUILDER
Art Unit	3687
Examiner Name	Masud, Rokib
Attorney Docket Number	MERZ010.001C2

SIGNATURE of Applicant or Patent Practitioner

Signature	/Keith M. Lim/	Date (Optional)	2018-04-23
Name	Keith M. Lim	Registration Number	68,912
Title (if Applicant is a juristic entity)			
Applicant Name (if Applicant is a juristic entity)			

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. If more than one applicant, use multiple forms.



*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

POWER OF ATTORNEY BY APPLICANT

I hereby revoke all previous powers of attorney given in the application identified in either the attached transmittal letter or the boxes below.

Application Number	Filing Date

(Note: The boxes above may be left blank if information is provided on form PTO/AIA/82A.)

- ☒ I hereby appoint the Patent Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above:

20995

OR

- ☐ I hereby appoint Practitioner(s) named in the attached list (form PTO/AIA/82C) as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the patent application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above. (Note: Complete form PTO/AIA/82C.)

Please recognize or change the correspondence address for the application identified in the attached transmittal letter or the boxes above to:

- ☒ The address associated with the above-mentioned Customer Number

OR

- ☐ The address associated with Customer Number:

OR

Firm or Individual Name	Wayne Baratta				
Address	7 Mansion St. Suite 215				
City	Poughkeepsie	State	New York	Zip	12601
Country	USA				
Telephone	845-797-4168	Email			

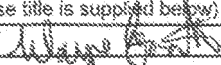
I am the Applicant (if the Applicant is a juristic entity, list the Applicant name in the box):

CloudfChange, LLC

- ☐ Inventor or Joint Inventor (title not required below)
- ☐ Legal Representative of a Deceased or Legally Incapacitated Inventor (title not required below)
- ☒ Assignee or Person to Whom the Inventor is Under an Obligation to Assign (provide signer's title if applicant is a juristic entity)
- ☐ Person Who Otherwise Shows Sufficient Proprietary Interest (e.g., a petition under 37 CFR 1.46(b)(2) was granted in the application or is concurrently being filed with this document) (provide signer's title if applicant is a juristic entity)

SIGNATURE of Applicant for Patent

The undersigned (whose title is supplied below) is authorized to act on behalf of the applicant (e.g., where the applicant is a juristic entity).

Signature		Date (Optional)	
Name	Wayne Baratta		
Title	Member		

NOTE: Signature - This form must be signed by the applicant in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. If more than one applicant, use multiple forms.

- ☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

Electronic Acknowledgement Receipt	
EFS ID:	32412800
Application Number:	15635097
International Application Number:	
Confirmation Number:	1830
Title of Invention:	WEB-BASED POINT OF SALE BUILDER
First Named Inventor/Applicant Name:	Wayne BARATTA
Customer Number:	20995
Filer:	Keith M Lim/Jennifer Neat
Filer Authorized By:	Keith M Lim
Attorney Docket Number:	MERZ010.001C2
Receipt Date:	23-APR-2018
Filing Date:	27-JUN-2017
Time Stamp:	16:16:55
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Corrected Filing Receipt	Petition.pdf	18850	no	2
			58bae62e5b4f984006f7157b99f7bca267db2b6		

Warnings:

Information:					
2	Application Data Sheet	ADS.pdf	13281	no	1
			fa5d0f9c3ac98816ac3267087d11bdf47760a275		
Warnings:					
Information:					
This is not an USPTO supplied ADS fillable form					
3	Assignee showing of ownership per 37 CFR 3.73	Statement_373.pdf	72877	no	3
			e8da6ec75ef595d489b2bdf76d5fd8b5f03d1510		
Warnings:					
Information:					
4		Response.pdf	27111	yes	3
			173b1b491463523ac49cb449941d8de71d94934b		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
	Applicant Arguments/Remarks Made in an Amendment		2	3	
Warnings:					
Information:					
5	Power of Attorney	POA.pdf	3546929	no	2
			44fed746c136464f0178b6926b316238aa5c4c65		
Warnings:					
Information:					
Total Files Size (in bytes):			3679048		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

EFS Doc. Desc.: Request under 37 CFR 1.46(c) to correct, update or change the applicant.

Please Direct All Correspondence to Customer Number 20995

REQUEST TO CORRECT OR CHANGE APPLICANT FOR PATENT

Inventor	:	Wayne Baratta
App. No	:	15/635097
Filed	:	June 27, 2017
For	:	WEB-BASED POINT OF SALE BUILDER
Examiner	:	Masud, Rokib
Art Unit	:	3687
Conf. No.:	:	1830

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

Dear Commissioner:

This request to correct the name of the Applicant is being made to add a Non-Inventor Applicant under 37 CFR 1.46. Accordingly pursuant to 37 CFR 1.46(c)(2), this Request is accompanied by:

1. An Application Data Sheet outlining changes being made to the designation of Applicant; and
2. Statement Under 3.73 identifying the complete chain of title to the current Non-Inventor Applicant.

Docket No.: MERZ010.001C2

April 23, 2018

App. No.: 15/635097

Page 2 of 2

Please Direct All Correspondence to Customer Number 20995

No fee is believed to be due, however, the Commissioner is hereby authorized to charge any fee associated with this request, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE MARTENS OLSON & BEAR LLP

Dated: April 23, 2018

By: Keith M. Lim/

Keith M Lim

Registration No. 68,912

Registered Practitioner

Customer No. 20995

(949) 760-0404

28139548

APPLICATION DATA SHEET

Application Information

Application Number: 15/635097
Filing Date: June 27, 2017
Application Type: Nonprovisional
Subject Matter: Utility
Title: WEB-BASED POINT OF SALE BUILDER
Attorney Docket Number: MERZ010.001C2

Correspondence Information

Correspondence Customer Number: 20995
Phone Number: (949) 760-0404
Fax Number: (949) 760-9502
E-Mail Address: efiling@knobbe.com

Representative Information

Representative Customer Number: 20995

Applicant Information

Applicant Name: CloudofChange, LLC
Street: 7 Mansion Street
Suite 215
City: Poughkeepsie
State or Province: New York
Country: US
Postal or Zip Code: 12601

Dated: April 23, 2018

By: Keith M. Lim/
Keith M Lim
Registration No. 68,912
Registered Practitioner
Customer No. 20995
(949) 760-0404

28139495

1

15/635097

Filed: June 27, 2017

STATEMENT UNDER 37 CFR 3.73(c)

Applicant/Patent Owner: CLOUDOFCHANGE, LLC

Application No./Patent No.: 15/635097

Filed/Issue Date: June 27, 2017

Titled: WEB-BASED POINT OF SALE BUILDER

CLOUDOFCHANGE, LLC, a limited liability corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that, for the patent application/patent identified above, it is (choose **one** of options 1, 2, 3 or 4 below):

1. ☒ The assignee of the entire right, title, and interest.

2. ☐ An assignee of less than the entire right, title, and interest (check applicable box):

☐ The extent (by percentage) of its ownership interest is ____%. Additional Statement(s) by the owners holding the balance of the interest must be submitted to account for 100% of the ownership interest.

☐ There are unspecified percentages of ownership. The other parties, including inventors, who together own the entire right, title and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

3. ☐ The assignee of an undivided interest in the entirety (a complete assignment from one of the joint inventors was made). The other parties, including inventors, who together own the entire right, title, and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

4. ☐ The recipient, via a court proceeding or the like (e.g., bankruptcy, probate), of an undivided interest in the entirety (a complete transfer of ownership interest was made). The certified document(s) showing the transfer is attached.

The interest identified in option 1, 2 or 3 above (not option 4) is evidenced by either (choose **one** of options A or B below):

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 041440, Frame 0409, or for which a copy thereof is attached.

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

[Page 1 of 2]

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

STATEMENT UNDER 37 CFR 3.73(c)

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

4. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

5. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

6. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☒ As required by 37 CFR 3.73(c)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/Keith M. Lim/

2018-04-23

Signature

Date

Keith M. Lim

68,912

Printed or Typed Name

Title or Registration 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.

Receipt date: 12/19/2017

15/635,097 - GAU: 3687

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (03-15)

Approved for use through 07/31/2016. 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.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		15635097	
	Filing Date		2017-06-27	
	First Named Inventor	Wayne BARATTA		
	Art Unit	3687		
	Examiner Name	OBEID, FAHD A		
	Attorney Docket Number	MERZ010.001C2		

U.S.PATENTS								
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear		
	1	6002395	A	1999-12-14	Wagner et al.			
If you wish to add additional U.S. Patent citation information please click the Add button.								
U.S.PATENT APPLICATION PUBLICATIONS								
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear		
	1							
If you wish to add additional U.S. Published Application citation information please click the Add button.								
FOREIGN PATENT DOCUMENTS								
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							☐
If you wish to add additional Foreign Patent Document citation information please click the Add button								
NON-PATENT LITERATURE DOCUMENTS								
Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.						T ⁵

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15635097
	Filing Date	2017-06-27
	First Named Inventor	Wayne BARATTA
	Art Unit	3687
	Examiner Name	OBEID, FAHD A
	Attorney Docket Number	MERZ010.001C2

	1		☐
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If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature	/ROKIB MASUD/	Date Considered	04/02/2018
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15635097
	Filing Date	2017-06-27
	First Named Inventor	Wayne BARATTA
	Art Unit	3687
	Examiner Name	OBEID, FAHD A
	Attorney Docket Number	MERZ010.001C2

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Keith M. Lim/	Date (YYYY-MM-DD)	2017-12-19
Name/Print	Keith M. Lim	Registration Number	68,912

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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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.

<i>Notice of References Cited</i>	Application/Control No. 15/635,097		Applicant(s)/Patent Under Reexamination BARATTA et al.	
	Examiner ROKIB MASUD		Art Unit 3687	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-20050021409-A1	01-2005	Michaud, Gene R. JR.	G06Q20/20	705/16
*	B	US-20040181454-A1	09-2004	Manno, Michael	G06Q20/20	705/21
*	C	US-20030041330-A1	02-2003	Smith, Mathias	B67D7/068	725/105
	D					
	E					
	F					
	G					
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	I					
	J					
	K					
	L					
	M					

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

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

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

<i>Search Notes</i> 	Application/Control No. 15/635,097	Applicant(s)/Patent Under Reexamination BARATTA et al.
	Examiner ROKIB MASUD	Art Unit 3687

CPC - Searched*		
Symbol	Date	Examiner
G 06Q 20/202; G 06 F 8/30	04/01/2018	R. M.

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
705	16; 28	04/01/2018	R. M.

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	Date	Examiner
EAST, GOOGLE PATENT, NPL, IDS	04/01/2018	R. M.

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner

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Receipt date: 10/04/2017

15/635,097 - GAU: 3687

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (03-15)

Approved for use through 07/31/2016. OMB 0851-0031

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.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15635097
	Filing Date	2017-06-27
	First Named Inventor	Wayne BARATTA
	Art Unit	3687
	Examiner Name	OBEID, FAHD A
	Attorney Docket Number	MERZ010.001C2

U.S.PATENTS						Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	6304886	B1	2001-10-16	Bernardo et al.	
	2	6993498	B1	2006-01-31	Deaton et al.	
	3	7051091	B1	2006-05-23	Cohen et al.	
	4	9317844	B2	2016-04-19	Richelson et al.	

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

Add

U.S.PATENT APPLICATION PUBLICATIONS						Remove
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	20010037245	A1	2001-11-01	Ranganath et al.	
	2	20030041330	A1	2003-02-27	Smith	

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

Application Number	15635097
Filing Date	2017-06-27
First Named Inventor	Wayne BARATTA
Art Unit	3687
Examiner Name	OBEID, FAHD A
Attorney Docket Number	MERZ010.001C2

3	20030120546	A1	2003-06-26	Cusack et al.
4	20040181454	A1	2004-09-16	Manno
5	20050182680	A1	2005-08-18	Jones et al.
6	20070005685	A1	2007-01-04	Chau et al.
7	20080208698	A1	2008-08-28	Olson et al.
8	20090182630	A1	2009-07-16	Otto et al.
9	20110218872	A1	2011-09-08	Richelson et al.
10	20160253645	A1	2016-09-01	CIABARRA et al.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		15635097
	Filing Date		2017-06-27
	First Named Inventor	Wayne BARATTA	
	Art Unit	3687	
	Examiner Name	OBEID, FAHD A	
	Attorney Docket Number	MERZ010.001C2	

NON-PATENT LITERATURE DOCUMENTS			Remove
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Examiner Signature	/ROKIB MASUD/		Date Considered 04/02/2018
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¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.			

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

Application Number	15635097
Filing Date	2017-06-27
First Named Inventor	Wayne BARATTA
Art Unit	3687
Examiner Name	OBEID, FAHD A
Attorney Docket Number	MERZ010.001C2

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Vladislav Z. Teplitskiy/	Date (YYYY-MM-DD)	2017-10-04
Name/Print	Vladislav Z. Teplitskiy	Registration Number	68,069

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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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.
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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.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/635,097	06/27/2017	Wayne BARATTA	MERZ010.001C2	1830
20995 7590 04/05/2018 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CALIFORNIA 92614 UNITED STATES OF AMERICA			EXAMINER MASUD, ROKIB	
			ART UNIT 3687	PAPER NUMBER
			NOTIFICATION DATE 04/05/2018	DELIVERY MODE 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):

efiling@knobbe.com
jayna.cartee@knobbe.com

<i>Office Action Summary</i>	Application No. 15/635,097	Applicant(s) BARATTA et al.	
	Examiner ROKIB MASUD	Art Unit 3687	AIA Status No

-- 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 _____.
☐ 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) 3-6,8-17,19 and 23-27 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) 3-6,8-17,19 and 23-27 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 allowable, 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 10/4/17; 12/19/17.

3) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.

4) ☐ Other: _____.

DETAILED CORRESPONDENCE

Notice of Pre-AIA or AIA Status

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

Status of the Claims

- Claims 3-6, 8-17, 19, 23-27 are pending
- Claims 1-2, 7, 18, and 20-22 are cancelled.

Double Patenting

Claims 3-6, 8-17, 19, 23-27 rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 9,715,371. Although the claims at issue are not identical, they are not patentably distinct from each other because this pending application discloses one or more POS terminals generated by said POS builder software and said one or more POS terminals configured to be accessible at one or more terminal devices, said POS terminals configured to accept POS transactions and collect corresponding transaction data; and a POS builder interface configured to be accessible via network communication with said web server over a communications network; wherein said POS builder interface is configured to be utilized to access said POS builder software for programmatically creating or modifying said one or more POS terminals in real time over the communications network, wherein said POS builder software is configured to interact with said one or more POS terminals over the communications network in order for the web-based point of sale (POS) builder system to

perform functions in accordance with instructions sent from the POS builder interface; wherein said POS transactions and corresponding transaction data from said one or more POS terminals are configured to be transmitted to said web server via the communications network; and wherein each POS transaction is correlated with corresponding transaction data occurring at said one or more POS terminals and other dependent features, whereas the claims of the patent 9715371 discloses more features that also incorporate the features of the pending claims.

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 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); *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 nonstatutory double patenting provided the reference application or patent either is shown to be commonly owned with the examined application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See MPEP § 717.02 for applications subject to examination under the first inventor to file provisions of the AIA as explained in MPEP § 2159. See MPEP

§§ 706.02(l)(1) - 706.02(l)(3) for applications not subject to examination under the first inventor to file provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The USPTO Internet website contains terminal disclaimer forms which may be used. Please visit www.uspto.gov/patent/patents-forms. The filing date of the application in which the form is filed determines what form (e.g., PTO/SB/25, PTO/SB/26, PTO/AIA/25, or PTO/AIA/26) should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to www.uspto.gov/patents/process/file/efs/guidance/eTD-info-I.jsp.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROKIB MASUD whose telephone number is (571)270-5390. The examiner can normally be reached on Mon-Fri 8:00-5:00.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fahd Obeid can be reached on 571-270-3324. 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.

/ROKIB MASUD/
Primary Examiner, Art Unit 3687

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	211	((inventory price cost sales) and ((web adj server) server same database) same(hardware software) same ((cash adj register) POS (point adj of adj sale)) and (subscript\$4 subscrib\$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2016/03/04 20:28
S2	20368	(wed network remote) adj (server host database system) same(subscri\$9)	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2016/03/04 20:29
S3	760	(wed network remote) adj ((server host database system) same(subscri\$9))	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2016/03/04 20:30
S4	869	(web network remote) adj ((server host database system) same(subscri\$9))	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2016/03/04 20:30
S5	0	S1 and S4	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2016/03/04 20:31
S6	69677900	S1 @py< "2006"	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2016/03/04 20:32
S7	21	S1 @py< "2006"	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	AND	OFF	2016/03/04 20:32
S8	1	("20050021409").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/04 20:42
S9	2	((("7015945") or ("20040181454")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/04 20:49
S10	1	("20070273763").PN.	US-PGPUB; USPAT;	OR	OFF	2016/10/31 00:10

EAST Search History

			USOCR			
S11	1	("20030041330").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/10/31 00:15

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Receipt date: 02/23/2018

15/635,097 - GAU: 3687

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (03-15)

Approved for use through 07/31/2016. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		15635097	
	Filing Date		2017-06-27	
	First Named Inventor	Baratta, Wayne		
	Art Unit	3687		
	Examiner Name	Fahd A. Obeid		
	Attorney Docket Number	MERZ010.001C2		

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Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear		
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	Examiner Name	Fahd A. Obeid
	Attorney Docket Number	MERZ010.001C2

1	MICROS Delivers Harmony to POS Technology with Symphony(TM). The Industry's First True Enterprise POS Solution, Featuring Service Oriented Architecture, Debuts at FS/TEC, October 10, 2017, 3 pp.	☐
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EXAMINER SIGNATURE

Examiner Signature	/ROKIB MASUD/	Date Considered	04/02/2018
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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

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SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Keith M. Lim/	Date (YYYY-MM-DD)	2018-02-23
Name/Print	Keith M. Lim	Registration Number	68,912

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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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.

<i>Index of Claims</i> 	Application/Control No. 15/635,097	Applicant(s)/Patent Under Reexamination BARATTA et al.
	Examiner ROKIB MASUD	Art Unit 3687

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

CLAIMS										
☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47										
CLAIM		DATE								
Final	Original	04/02/2018								
	1	-								
	2	-								
	3	✓								
	4	✓								
	5	✓								
	6	✓								
	7	-								
	8	✓								
	9	✓								
	10	✓								
	11	✓								
	12	✓								
	13	✓								
	14	✓								
	15	✓								
	16	✓								
	17	✓								
	18	-								
	19	✓								
	20	-								
	21	-								
	22	-								
	23	✓								
	24	✓								
	25	✓								
	26	✓								
	27	✓								

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		15635097	
	Filing Date		2017-06-27	
	First Named Inventor	Baratta, Wayne		
	Art Unit	3687		
	Examiner Name	Fahd A. Obeid		
	Attorney Docket Number	MERZ010.001C2		

U.S. PATENTS								
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear		
	1							
If you wish to add additional U.S. Patent citation information please click the Add button.								
U.S. PATENT APPLICATION PUBLICATIONS								
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear		
	1							
If you wish to add additional U.S. Published Application citation information please click the Add button.								
FOREIGN PATENT DOCUMENTS								
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							☐
If you wish to add additional Foreign Patent Document citation information please click the Add button								
NON-PATENT LITERATURE DOCUMENTS								
Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.						T ⁵

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		15635097
	Filing Date		2017-06-27
	First Named Inventor	Baratta, Wayne	
	Art Unit	3687	
	Examiner Name	Fahd A. Obeid	
	Attorney Docket Number	MERZ010.001C2	

	1	MICROS Delivers Harmony to POS Technology with Symphony(TM). The Industry's First True Enterprise POS Solution, Featuring Service Oriented Architecture, Debuts at FS/TEC, October 10, 2017, 3 pp.	☐
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If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

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

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

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

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15635097
	Filing Date	2017-06-27
	First Named Inventor	Baratta, Wayne
	Art Unit	3687
	Examiner Name	Fahd A. Obeid
	Attorney Docket Number	MERZ010.001C2

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Keith M. Lim/	Date (YYYY-MM-DD)	2018-02-23
Name/Print	Keith M. Lim	Registration Number	68,912

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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)).
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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.

Electronic Acknowledgement Receipt	
EFS ID:	31868692
Application Number:	15635097
International Application Number:	
Confirmation Number:	1830
Title of Invention:	WEB-BASED POINT OF SALE BUILDER
First Named Inventor/Applicant Name:	Wayne BARATTA
Customer Number:	20995
Filer:	Keith M Lim/Aimee Kazan
Filer Authorized By:	Keith M Lim
Attorney Docket Number:	MERZ010.001C2
Receipt Date:	23-FEB-2018
Filing Date:	27-JUN-2017
Time Stamp:	13:01:06
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment		no			
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	IDS_001C2.pdf	63084	no	4
			650b80b068cblfd43c41439c333f8876ba68c9f8		
Warnings:					

Information:					
This is not an USPTO supplied IDS fillable form					
2	Non Patent Literature	MICROS_Delivers_Harmony_to _POS_Technology_with_Simphony.pdf	133288 1f9b555946f213db4a9b1b3d388111128ab7a9e8e	no	3
Warnings:					
Information:					
Total Files Size (in bytes):			196372		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Inventor	:	Wayne Baratta
App. No.	:	15/635097
Filed	:	June 27, 2017
For	:	WEB-BASED POINT OF SALE BUILDER
Examiner	:	FAHD A. OBEID
Art Unit	:	3687
Conf. No.	:	1830

PRELIMINARY AMENDMENT**Mail Stop Amendment**

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

Dear Commissioner:

Prior to examination on the merits, please amend the above-identified U.S. application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 7 of this paper.

AMENDMENTS TO THE CLAIMS

1. (Canceled)
2. (Canceled)
3. **(Currently Amended)** A web-based point of sale (POS) builder system

comprising:

a web server ~~having including installed thereon~~ POS builder software installed thereon;

one or more POS terminals generated by said POS builder software and said one or more POS terminals configured to be accessible at one or more terminal devices, said POS terminals ~~accepting configured to accept~~ POS transactions and ~~collecting collect~~ corresponding transaction data; and

a POS builder interface configured to be accessible via network communication with said web server over a communications network;

wherein said POS builder interface is configured to be utilized to access said POS builder software for programmatically creating or modifying said one or more POS terminals in real time over the communications network, wherein said POS builder software is configured to interact ~~interacts~~ with said one or more POS terminals over the communications network in order for the web-based point of sale (POS) builder system to perform functions in accordance with instructions sent from the POS builder interface;

wherein said POS transactions and corresponding transaction data from said one or more POS terminals are configured to be transmitted to said web server via the communications network; and

wherein each POS transaction is correlated with corresponding transaction data occurring at said one or more POS terminals.

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Filing Date: June 27, 2017

4. **(Currently Amended)** The web-based point of sale (POS) builder system of claim 3, wherein instructions to the POS builder interface for programmatic creation and modification of the one or more POS terminals are not formatted in programming code use of said POS builder interface requires no special training.
5. **(Currently Amended)** The web-based point of sale (POS) builder system of claim 3, wherein said one or more POS terminals are tested iteratively in real time while said one or more POS terminals are operable to accept POS transactions.
6. **(Currently Amended)** The web-based point of sale (POS) builder system of claim 3, wherein at least one of said POS builder interface and said one or more POS terminals ~~may be~~ are configured to be implemented without specialized hardware or software at a given terminal device.
7. **(Cancelled).**
8. **(Currently Amended)** The web-based point of sale (POS) builder system of claim 3, wherein said web server ~~is~~ includes a standard internet web server implemented with standard web server hardware and software, using one or more relational databases, wherein software for said POS builder interface resides in and is executed from said web server.
9. **(Currently Amended)** The web-based point of sale (POS) builder system of claim 3, wherein said POS builder software is configured to provide ~~provides~~ instructions to add new POS terminals.
10. **(Currently Amended)** The web-based point of sale (POS) builder system of claim 3, wherein said POS builder software ~~provides~~ is configured to provide instructions to modify existing POS terminals.
11. **(Currently Amended)** The web-based point of sale (POS) builder system of claim 3, wherein ~~the~~ a number, shape and arrangement of selection keys or

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Filing Date: June 27, 2017

buttons for said one or more POS terminals are specified from the POS builder interface.

12. **(Currently Amended)** The web-based point of sale (POS) builder system of claim 11, wherein items are associated with said selection keys or buttons from the POS builder interface.
13. (Previously Presented) The web-based point of sale (POS) builder system of claim 12, wherein attributes are attributed to said items from the POS builder interface.
14. (Previously Presented) The web-based point of sale (POS) builder system of claim 13, wherein said attributes are stored, retrievable and changeable from a database stored on said web server.
15. **(Currently Amended)** The web-based point of sale (POS) builder system of claim 3, wherein said one or more POS terminals are configured to be accessible by a web browser.
16. **(Currently Amended)** The web-based point of sale (POS) builder system of claim 3, wherein said one or more POS terminals, once generated, are configured to operate independently of said web server.
17. **(Currently Amended)** A method of implementing a web-based point of sale (POS) builder system, said web-based point of sale (POS) builder system comprising a network-accessible web server ~~having installed thereon~~ including POS builder software installed thereon, the method comprising:

providing access to said network-accessible web server by one or more POS terminals, said one or more POS terminals ~~being~~-generated from instructions communicated from said POS builder software to respective one or more terminal devices;

accepting POS transactions via said one or more POS terminals;

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Filing Date: June 27, 2017

collecting transaction data corresponding to transactions occurring at said one or more POS terminals; and

providing further access to said network-accessible web server by a POS builder interface via a communications network, said POS builder software ~~being~~ configured to programmatically create or modify said one or more POS terminals in real time over the communications network;

wherein said POS builder software interacts with said one or more POS terminals over said communications network in order for the web-based point of sale (POS) builder system to perform functions in accordance with instructions sent from the POS builder interface;

wherein said POS transactions and corresponding transaction data from said one or more POS terminals are transmitted to said network-accessible web server via a network connection; and

wherein each POS transaction is correlated with corresponding transaction data occurring at said one or more POS terminals.

18. **(Cancelled).**

19. **(Currently Amended)** The method of providing a web-based point of sale (POS) builder system of claim 17, wherein the method further comprises testing of said one or more POS terminals iteratively in real time while said one or more POS terminals are operable to accept POS transactions.

20. **(Cancelled).**

21. **(Cancelled).**

22. **(Cancelled).**

23. **(Currently Amended)** The method of claim 17, wherein ~~the~~ a number, shape and arrangement of selection keys or buttons for said one or more POS terminals are specified from the POS builder interface.

Application No.: 15/635097
Filing Date: June 27, 2017

24. **(Currently Amended)** The method of claim 23, wherein items are associated with said selection keys or buttons from the POS builder interface.
25. **(Currently Amended)** The method of claim 24, wherein attributes are attributed to said items, said attributes stored, retrievable and changeable from a back office database stored on said network-accessible web server.
26. **(Currently Amended)** The method of claim 17, wherein said one or more POS terminals are accessible by a web browser.
27. **(Currently Amended)** The method of claim 17, wherein said one or more POS terminals, once generated, are operable independently of said network-accessible web server.

Application No.: 15/635097
Filing Date: June 27, 2017

REMARKS

By the foregoing amendments, Applicant has amended claims 3-6, 8-12, 15-17, 19, 23-27, and cancelled claims 7, 18, and 20-22 without prejudice or disclaimer. No new matter has been added. Entry of these amendments is respectfully requested.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: December 19, 2017

By: Keith M. Lim/
Keith M Lim
Registration No. 68,912
Registered Practitioner
Customer No. 20995
(949) 760-0404

27128442

Electronic Acknowledgement Receipt	
EFS ID:	31270754
Application Number:	15635097
International Application Number:	
Confirmation Number:	1830
Title of Invention:	WEB-BASED POINT OF SALE BUILDER
First Named Inventor/Applicant Name:	Wayne BARATTA
Customer Number:	20995
Filer:	Keith M Lim/Gustavo Lopez
Filer Authorized By:	Keith M Lim
Attorney Docket Number:	MERZ010.001C2
Receipt Date:	19-DEC-2017
Filing Date:	27-JUN-2017
Time Stamp:	14:13:26
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no				
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	First Action Interview - Enrollment Request	FAI.pdf	152050 e6b146250f93cdf189116ada659bc83f522bceef	no	3
Warnings:					

Information:					
2	Information Disclosure Statement (IDS) Form (SB08)	IDS.pdf	63093	no	4
			dc38f311db9a3c245e383c3859d7a03502d5e173		
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
3		PreliminaryAmendment.pdf	39208	yes	7
			734397ca7ef854a22bc91b9c7514228f7942aa96		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Preliminary Amendment		1	1	
	Claims		2	6	
	Applicant Arguments/Remarks Made in an Amendment		7	7	
Warnings:					
Information:					
Total Files Size (in bytes):			254351		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

Doc Code: FAI.REQ

Document Description: Request First Action Interview

PTO/SB/413C (05-11)

Approved for use through 01/31/2013. 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 displays a valid OMB control number.

REQUEST FOR FIRST ACTION INTERVIEW (FULL PILOT PROGRAM)		
Attorney Docket Number: MERZ010.001C2	Application Number (if known): 15/635097	Filing date: June 27, 2017
First Named Inventor: Baratta, Wayne	Title: WEB-BASED POINT OF SALE BUILDER	
APPLICANT HEREBY REQUESTS A FIRST ACTION INTERVIEW IN THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2. 1. The application must contain three (3) or fewer independent claims and twenty (20) or fewer total claims. 2. The application must not contain any multiple dependent claims. 3. By filing this request: Applicant is agreeing to make an election without traverse if the Office determines that the claims are not obviously directed to a single invention; and Applicant is agreeing not to request for a refund of the search fee and any excess claims fee paid in the application after the mailing or notification of the pre-interview communication prepared by the examiner. 4. Other attachments: _____		

Signature /Keith M. Lim/	Date 2017-12-19
Name (Print/Typed) Keith M. Lim	Registration Number 68,912
Note: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.	
☐ *Total of <u>1</u> forms are submitted.	

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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.

Instruction Sheet for Request for First Action Interview (Full Pilot Program)
(Not to be Submitted to the USPTO)

A grantable request must meet the following conditions:

1. The application must be a new non-reissue utility application filed under 35 U.S.C. 111(a) or an international application that has entered the national stage in compliance with 35 U.S.C. 371(c).
2. The application must contain three (3) or fewer independent claims and twenty (20) or fewer total claims. The application may not contain any multiple dependent claims.
3. The request must be filed electronically using the Office's electronic filing system, EFS-Web.
4. The claims must be directed to a single invention. If the Office determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), the applicant must make an election without traverse.
5. The request must be filed at least one day before a first Office action on the merits of the application appears in the Patent Application Information Retrieval (PAIR) system (i.e., at least one day prior to the date when a first Office action on the merits, notice of allowability or allowance, or action under *Ex parte Quayle*, 1935 Dec. Comm'r Pat. 11 (1935) appears in the PAIR system). Applicant may check the status of the application using the PAIR system.
6. The request for a first action interview must include a statement that applicant agrees not to file a request for a refund of the search fee and any excess claims fees paid in the application after the mailing or notification of the Pre-Interview Communication. Any petition for express abandonment under 37 CFR 1.138(d), and request for a refund of the search fee and any excess claims fees, filed after the mailing or notification of the Pre-Interview Communication will not be granted.

For more information, see notice "Full First Action Interview Pilot Program" available on the USPTO web site at http://www.uspto.gov/patents/init_events/faipp_full.jsp

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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.

Doc Code: FAI.REQ

Document Description: Request First Action Interview

PTO/SB/413C (05-11)

Approved for use through 01/31/2013. 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 displays a valid OMB control number.

REQUEST FOR FIRST ACTION INTERVIEW (FULL PILOT PROGRAM)		
Attorney Docket Number: MERZ010.001C2	Application Number (if known): 15/635097	Filing date: June 27, 2017
First Named Inventor: Baratta, Wayne	Title: WEB-BASED POINT OF SALE BUILDER	
APPLICANT HEREBY REQUESTS A FIRST ACTION INTERVIEW IN THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2. 1. The application must contain three (3) or fewer independent claims and twenty (20) or fewer total claims. 2. The application must not contain any multiple dependent claims. 3. By filing this request: Applicant is agreeing to make an election without traverse if the Office determines that the claims are not obviously directed to a single invention; and Applicant is agreeing not to request for a refund of the search fee and any excess claims fee paid in the application after the mailing or notification of the pre-interview communication prepared by the examiner. 4. Other attachments: _____		

Signature /Keith M. Lim/	Date 2017-12-19
Name (Print/Typed) Keith M. Lim	Registration Number 68,912
Note: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.	
☐ *Total of <u>1</u> forms are submitted.	

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Instruction Sheet for Request for First Action Interview (Full Pilot Program)
(Not to be Submitted to the USPTO)

A grantable request must meet the following conditions:

1. The application must be a new non-reissue utility application filed under 35 U.S.C. 111(a) or an international application that has entered the national stage in compliance with 35 U.S.C. 371(c).
2. The application must contain three (3) or fewer independent claims and twenty (20) or fewer total claims. The application may not contain any multiple dependent claims.
3. The request must be filed electronically using the Office's electronic filing system, EFS-Web.
4. The claims must be directed to a single invention. If the Office determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), the applicant must make an election without traverse.
5. The request must be filed at least one day before a first Office action on the merits of the application appears in the Patent Application Information Retrieval (PAIR) system (i.e., at least one day prior to the date when a first Office action on the merits, notice of allowability or allowance, or action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935) appears in the PAIR system). Applicant may check the status of the application using the PAIR system.
6. The request for a first action interview must include a statement that applicant agrees not to file a request for a refund of the search fee and any excess claims fees paid in the application after the mailing or notification of the Pre-Interview Communication. Any petition for express abandonment under 37 CFR 1.138(d), and request for a refund of the search fee and any excess claims fees, filed after the mailing or notification of the Pre-Interview Communication will not be granted.

For more information, see notice "Full First Action Interview Pilot Program" available on the USPTO web site at http://www.uspto.gov/patents/init_events/faipp_full.jsp

Privacy Act Statement

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The information provided by you in this form will be subject to the following routine uses:

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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.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15635097
	Filing Date	2017-06-27
	First Named Inventor	Wayne BARATTA
	Art Unit	3687
	Examiner Name	OBEID, FAHD A
	Attorney Docket Number	MERZ010.001C2

U.S. PATENTS								
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear		
	1	6002395	A	1999-12-14	Wagner et al.			
If you wish to add additional U.S. Patent citation information please click the Add button.								
U.S. PATENT APPLICATION PUBLICATIONS								
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear		
	1							
If you wish to add additional U.S. Published Application citation information please click the Add button.								
FOREIGN PATENT DOCUMENTS								
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							☐
If you wish to add additional Foreign Patent Document citation information please click the Add button								
NON-PATENT LITERATURE DOCUMENTS								
Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.						T ⁵

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		15635097
	Filing Date		2017-06-27
	First Named Inventor	Wayne BARATTA	
	Art Unit	3687	
	Examiner Name	OBEID, FAHD A	
	Attorney Docket Number	MERZ010.001C2	

	1		☐
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If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

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

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

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

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15635097
	Filing Date	2017-06-27
	First Named Inventor	Wayne BARATTA
	Art Unit	3687
	Examiner Name	OBEID, FAHD A
	Attorney Docket Number	MERZ010.001C2

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Keith M. Lim/	Date (YYYY-MM-DD)	2017-12-19
Name/Print	Keith M. Lim	Registration Number	68,912

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 15/635,097		Filing Date 06/27/2017		☐ To be Mailed	
ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO									
APPLICATION AS FILED – PART I									
		(Column 1)		(Column 2)					
FOR		NUMBER FILED		NUMBER EXTRA		RATE (\$)		FEE (\$)	
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A		N/A		N/A			
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))		N/A		N/A		N/A			
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A		N/A		N/A			
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 =		*		X \$ =			
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =		*		X \$ =			
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))									
* If the difference in column 1 is less than zero, enter "0" in column 2.						TOTAL			
APPLICATION AS AMENDED – PART II									
		(Column 1)		(Column 2)		(Column 3)			
AMENDMENT	12/19/2017		CLAIMS REMAINING AFTER AMENDMENT			HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		
	Total (37 CFR 1.16(i))		* 25		Minus	** 25	= 0		
	Independent (37 CFR 1.16(h))		* 2		Minus	*** 3	= 0		
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
								TOTAL ADD'L FEE 0	
		(Column 1)		(Column 2)		(Column 3)			
AMENDMENT			CLAIMS REMAINING AFTER AMENDMENT			HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		
	Total (37 CFR 1.16(i))		*		Minus	**	=		
	Independent (37 CFR 1.16(h))		*		Minus	***	=		
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
								TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.									

SLIE
ERIC DANTZLER

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
15/635,097	06/27/2017	Wayne BARATTA	MERZ010.001C2

CONFIRMATION NO. 1830

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

PUBLICATION NOTICE



OC000000094864187

Title:WEB-BASED POINT OF SALE BUILDER

Publication No.US-2017-0300301-A1

Publication Date:10/19/2017

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publicly available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently <http://www.uspto.gov/patft/>.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Public Records Division. The Public Records Division can be reached by telephone at (571) 272-3150 or (800) 972-6382, by facsimile at (571) 273-3250, by mail addressed to the United States Patent and Trademark Office, Public Records Division, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <https://portal.uspto.gov/pair/PublicPair>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15635097
	Filing Date	2017-06-27
	First Named Inventor	Wayne BARATTA
	Art Unit	3687
	Examiner Name	OBEID, FAHD A
	Attorney Docket Number	MERZ010.001C2

U.S.PATENTS							Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	
	1	6304886	B1	2001-10-16	Bernardo et al.		
	2	6993498	B1	2006-01-31	Deaton et al.		
	3	7051091	B1	2006-05-23	Cohen et al.		
	4	9317844	B2	2016-04-19	Richelson et al.		
If you wish to add additional U.S. Patent citation information please click the Add button.							Add
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Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	
	1	20010037245	A1	2001-11-01	Ranganath et al.		
	2	20030041330	A1	2003-02-27	Smith		

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		15635097
	Filing Date		2017-06-27
	First Named Inventor	Wayne BARATTA	
	Art Unit	3687	
	Examiner Name	OBEID, FAHD A	
	Attorney Docket Number	MERZ010.001C2	

3	20030120546	A1	2003-06-26	Cusack et al.	
4	20040181454	A1	2004-09-16	Manno	
5	20050182680	A1	2005-08-18	Jones et al.	
6	20070005685	A1	2007-01-04	Chau et al.	
7	20080208698	A1	2008-08-28	Olson et al.	
8	20090182630	A1	2009-07-16	Otto et al.	
9	20110218872	A1	2011-09-08	Richelson et al.	
10	20160253645	A1	2016-09-01	CIABARRA et al.	

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FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² i	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15635097
	Filing Date	2017-06-27
	First Named Inventor	Wayne BARATTA
	Art Unit	3687
	Examiner Name	OBEID, FAHD A
	Attorney Docket Number	MERZ010.001C2

NON-PATENT LITERATURE DOCUMENTS			Remove
Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
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Examiner Signature			Date Considered
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			
¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.			

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15635097
	Filing Date	2017-06-27
	First Named Inventor	Wayne BARATTA
	Art Unit	3687
	Examiner Name	OBEID, FAHD A
	Attorney Docket Number	MERZ010.001C2

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Vladislav Z. Teplitskiy/	Date (YYYY-MM-DD)	2017-10-04
Name/Print	Vladislav Z. Teplitskiy	Registration Number	68,069

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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.

Electronic Acknowledgement Receipt	
EFS ID:	30563638
Application Number:	15635097
International Application Number:	
Confirmation Number:	1830
Title of Invention:	WEB-BASED POINT OF SALE BUILDER
First Named Inventor/Applicant Name:	Wayne BARATTA
Customer Number:	20995
Filer:	Vladislav Z. Teplitskiy/Paula Yrigoyen
Filer Authorized By:	Vladislav Z. Teplitskiy
Attorney Docket Number:	MERZ010.001C2
Receipt Date:	04-OCT-2017
Filing Date:	27-JUN-2017
Time Stamp:	14:07:46
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment		no			
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	IDS_MERZ010.pdf	1054441	no	5
			b2a68d36996c7aa0fce6da2c4aa0f8e91619d2b1		
Warnings:					

Information:	
Total Files Size (in bytes):	1054441
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.	



UNITED STATES PATENT AND TRADEMARK OFFICE

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Address: COMMISSIONER FOR PATENTS
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
15/635,097	06/27/2017	Wayne BARATTA	MERZ010.001C2

CONFIRMATION NO. 1830

POA ACCEPTANCE LETTER

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614



Date Mailed: 08/03/2017

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/31/2017.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/sibrahim/

TRANSMITTAL FOR POWER OF ATTORNEY TO ONE OR MORE REGISTERED PRACTITIONERS

NOTE: This form is to be submitted with the Power of Attorney by Applicant form (PTO/AIA/82B) to identify the application to which the Power of Attorney is directed, in accordance with 37 CFR 1.5, unless the application number and filing date are identified in the Power of Attorney by Applicant form. If neither form PTO/AIA/82A nor form PTO/AIA/82B identifies the application to which the Power of Attorney is directed, the Power of Attorney will not be recognized in the application.

Application Number	15/635097
Filing Date	June 27, 2017
First Named Inventor	Wayne Baratta
Title	WEB-BASED POINT OF SALE BUILDER
Art Unit	3687
Examiner Name	Unassigned
Attorney Docket Number	MERZ010.001C2

SIGNATURE of Applicant or Patent Practitioner

Signature	/Keith M. Lim/	Date (Optional)	2017-07-31
Name	Keith M. Lim	Registration Number	68,912
Title (if Applicant is a juristic entity)	Patent Practitioner		
Applicant Name (if Applicant is a juristic entity)			

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. If more than one applicant, use multiple forms.



*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

POWER OF ATTORNEY BY APPLICANT

I hereby revoke all previous powers of attorney given in the application identified in either the attached transmittal letter or the boxes below.

Application Number	Filing Date

(Note: The boxes above may be left blank if information is provided on form PTO/AIA/82A.)

☒ I hereby appoint the Patent Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above:

20995

OR

☐ I hereby appoint Practitioner(s) named in the attached list (form PTO/AIA/82C) as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the patent application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above. (Note: Complete form PTO/AIA/82C.)

Please recognize or change the correspondence address for the application identified in the attached transmittal letter or the boxes above to:

☒ The address associated with the above-mentioned Customer Number

OR

☐ The address associated with Customer Number:

OR

Firm or Individual Name					
Address					
City		State		Zip	
Country					
Telephone		Email			

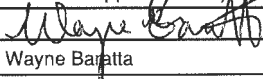
I am the Applicant (if the Applicant is a juristic entity, list the Applicant name in the box):

--

- ☒ Inventor or Joint Inventor (title not required below)
- ☐ Legal Representative of a Deceased or Legally Incapacitated Inventor (title not required below)
- ☐ Assignee or Person to Whom the Inventor is Under an Obligation to Assign (provide signer's title if applicant is a juristic entity)
- ☐ Person Who Otherwise Shows Sufficient Proprietary Interest (e.g., a petition under 37 CFR 1.46(b)(2) was granted in the application or is concurrently being filed with this document) (provide signer's title if applicant is a juristic entity)

SIGNATURE of Applicant for Patent

The undersigned (whose title is supplied below) is authorized to act on behalf of the applicant (e.g., where the applicant is a juristic entity).

Signature		Date (Optional)	02/01/2017
Name	Wayne Baratta		
Title			

NOTE: Signature - This form must be signed by the applicant in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. If more than one applicant, use multiple forms.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

POWER OF ATTORNEY BY APPLICANT

I hereby revoke all previous powers of attorney given in the application identified in either the attached transmittal letter or the boxes below.

Application Number	Filing Date

(Note: The boxes above may be left blank if information is provided on form PTO/AIA/82A.)

- ☒ I hereby appoint the Patent Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above: 20995
- OR
- ☐ I hereby appoint Practitioner(s) named in the attached list (form PTO/AIA/82C) as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the patent application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above. (Note: Complete form PTO/AIA/82C.)

Please recognize or change the correspondence address for the application identified in the attached transmittal letter or the boxes above to:

- ☒ The address associated with the above-mentioned Customer Number
- OR
- ☐ The address associated with Customer Number:
- OR

Firm or Individual Name	Quentin Olson				
Address	1434 Grant St				
City	Port Townsend	State	WA	Zip	98368
Country	USA				
Telephone	360 990 3562	Email	quentin.olson@gmail.com		

I am the Applicant (if the Applicant is a juristic entity, list the Applicant name in the box):

--

- ☒ Inventor or Joint Inventor (title not required below)
- ☐ Legal Representative of a Deceased or Legally Incapacitated Inventor (title not required below)
- ☐ Assignee or Person to Whom the inventor is Under an Obligation to Assign (provide signer's title if applicant is a juristic entity)
- ☐ Person Who Otherwise Shows Sufficient Proprietary Interest (e.g., a petition under 37 CFR 1.46(b)(2) was granted in the application or is concurrently being filed with this document) (provide signer's title if applicant is a juristic entity)

SIGNATURE of Applicant for Patent

The undersigned (whose title is supplied below) is authorized to act on behalf of the applicant (e.g., where the applicant is a juristic entity).

Signature	<u>Quentin Olson</u>	Date (Optional)	7/27/2017
Name	Quentin Olson		
Title	Patent Co-Owner		

NOTE: Signature - This form must be signed by the applicant in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. If more than one applicant, use multiple forms.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

Electronic Acknowledgement Receipt	
EFS ID:	29932511
Application Number:	15635097
International Application Number:	
Confirmation Number:	1830
Title of Invention:	WEB-BASED POINT OF SALE BUILDER
First Named Inventor/Applicant Name:	Wayne BARATTA
Customer Number:	20995
Filer:	Keith M Lim/Chelsea Burdeno
Filer Authorized By:	Keith M Lim
Attorney Docket Number:	MERZ010.001C2
Receipt Date:	31-JUL-2017
Filing Date:	27-JUN-2017
Time Stamp:	14:29:28
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no				
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	POA.pdf	565810 7d57f16127d936db51adf22c94f9b67b71f10ff6	no	3
Warnings:					

Information:	
Total Files Size (in bytes):	565810
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.	

CHANGE IN ENTITY STATUS

Inventor	: Wayne Baratta
App. No.	: 15/635,097
Filing Date	: June 27, 2017
Title	: WEB-BASED POINT OF SALE BUILDER

Mail Stop Post Issue

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

Dear Commissioner:

The Applicant believes the above-referenced application is no longer entitled to status as a small entity; any prior claim for small entity status in this application under 37 CFR 1.27 is hereby withdrawn. Please update USPTO records accordingly.

Applicant hereby encloses the following deficient fees for the above-referenced patent application. These fees were erroneously paid as a small entity.

Description of Fee	Previously Paid On	Large Entity Fee	Deficiency Amount
Utility Filing Fee	\$70 paid on 06/27/17	\$140	\$70
Utility Search Fee	\$300 paid on 06/27/17	\$600	\$300
Utility Examination Fee	\$360 paid on 06/27/17	\$720	\$360
TOTAL	\$ 730	\$1460	\$ 730 (total deficiency payment owed)

Please charge the above-referenced total deficiency payment owed of \$730, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 13, 2017

By: Vladislav Z. Teplitskiy/
Vladislav Z. Teplitskiy
Registration No. 68,069
Registered Practitioner
Customer No. 20995
(949) 760-0404

26297502

Electronic Acknowledgement Receipt	
EFS ID:	29779307
Application Number:	15635097
International Application Number:	
Confirmation Number:	1830
Title of Invention:	WEB-BASED POINT OF SALE BUILDER
First Named Inventor/Applicant Name:	Wayne BARATTA
Customer Number:	20995
Filer:	Vladislav Z. Teplitskiy/Anthony Bonilla
Filer Authorized By:	Vladislav Z. Teplitskiy
Attorney Docket Number:	MERZ010.001C2
Receipt Date:	13-JUL-2017
Filing Date:	27-JUN-2017
Time Stamp:	18:33:45
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Notification of loss of entitlement to small entity status	Entity_MERZ010.pdf	25257 2938393efb1fdb5e9d5f6790b507e6203b784f45	no	2

Warnings:

Information:	
Total Files Size (in bytes):	25257
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.	

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number 15/635,097				
APPLICATION AS FILED - PART I										
(Column 1)		(Column 2)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY				
FOR	NUMBER FILED	NUMBER EXTRA	RATE(\$)	FEE(\$)		RATE(\$)	FEE(\$)			
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	70		N/A				
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	300		N/A				
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	360		N/A				
TOTAL CLAIMS (37 CFR 1.16(i))	25 minus 20 =	*	x 40 =	200	OR					
INDEPENDENT CLAIMS (37 CFR 1.16(h))	2 minus 3 =	*	x 210 =	0.00						
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			0.00						
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				0.00						
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL		TOTAL				
				930						
APPLICATION AS AMENDED - PART II										
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY		
AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	x	=	OR	x	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x	=	OR	x	=
	Application Size Fee (37 CFR 1.16(s))							OR		
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY		
AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	x	=	OR	x	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x	=	OR	x	=
	Application Size Fee (37 CFR 1.16(s))							OR		
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.										



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	TOT CLAIMS	IND CLAIMS
15/635,097	06/27/2017	2876	930	MERZ010.001C2	25	2

CONFIRMATION NO. 1830

FILING RECEIPT



000000092398429

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Date Mailed: 07/10/2017

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Inventor(s)

Wayne BARATTA, Poughkeepsie, NY;
Quentin OLSON, Port Townsend, WA;

Applicant(s)

Wayne BARATTA, Poughkeepsie, NY;
Quentin OLSON, Port Townsend, WA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 15/198,117 06/30/2016 PAT 9715371
which is a CON of 12/012,666 02/05/2008 PAT 9400640

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.) - None.

Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

Permission to Access Application via Priority Document Exchange: Yes

Permission to Access Search Results: Yes

Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

If Required, Foreign Filing License Granted: 07/06/2017

page 1 of 3

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 15/635,097**

Projected Publication Date: 10/19/2017

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

WEB-BASED POINT OF SALE BUILDER

Preliminary Class

235

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4258).

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
15/635,097	06/27/2017	Wayne BARATTA	MERZ010.001C2

CONFIRMATION NO. 1830
IMPROPER CPOA LETTER

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614



Date Mailed: 07/10/2017

NOTICE REGARDING POWER OF ATTORNEY

This is in response to the power of attorney filed 06/27/2017. The power of attorney in this application is not accepted for the reason(s) listed below:

- The signature(s) of Quentin Olson, co-inventor(s) in this application, has/have been omitted. The power of attorney will be entered upon receipt of confirmation signed by said co-inventor(s).

/kthai/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

Document code: WFEE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Inventor	:	Wayne Baratta
App. No.	:	15/635097
Filed	:	June 27, 2017
For	:	WEB-BASED POINT OF SALE BUILDER
Examiner	:	Unknown
Art Unit	:	Unknown
Conf. No.	:	1830

PRELIMINARY AMENDMENT**Mail Stop Amendment**

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

Dear Commissioner:

Prior to examination on the merits, please amend the above-identified patent application as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks begin on page 8 of this paper.

Application No.: 15/635097
Filing Date: June 27, 2017

AMENDMENTS TO THE SPECIFICATION

Please amend the paragraph on page 1, lines 4-6 of the Specification as follows:

This is a continuation of U.S. Patent application serial number 15/198,117, filed 06/30/2016, which is a continuation of U.S. Patent application serial number 12/012,666, filed on 02/05/08, which is~~is~~are both herein incorporated by reference in ~~its~~their entirety, and assigned to a common assignee.

Application No.: 15/635097
Filing Date: June 27, 2017

AMENDMENTS TO THE CLAIMS

1. (Canceled)
2. (Canceled)
3. (New) A web-based point of sale (POS) builder system comprising:
 - a web server having installed thereon POS builder software;
 - one or more POS terminals generated by said POS builder software and said one or more POS terminals accessible at one or more terminal devices, said POS terminals accepting POS transactions and collecting corresponding transaction data; and
 - a POS builder interface accessible via network communication with said web server over a communications network;wherein said POS builder interface is utilized to access said POS builder software for programmatically creating or modifying said POS terminals in real time over the network, wherein said POS builder software interacts with said one or more POS terminals over the network in order for the system to perform functions in accordance with instructions sent from the POS builder interface;
 - wherein said POS transactions and corresponding transaction data from said one or more POS terminals are transmitted to said web server via the network; and
 - wherein each POS transaction is correlated with corresponding transaction data occurring at said POS terminals.
4. (New) The web-based point of sale (POS) builder system of claim 3, wherein use of said POS builder interface requires no special training.

Application No.: 15/635097
Filing Date: June 27, 2017

5. (New) The web-based point of sale (POS) builder system of claim 3, wherein said POS terminals are tested iteratively in real time while said POS terminals are operable to accept POS transactions.
6. (New) The web-based point of sale (POS) builder system of claim 3, wherein at least one of said POS builder interface and said one or more POS terminals may be implemented without specialized hardware or software at a given terminal device.
7. (New) The web-based point of sale (POS) builder system of claim 3, wherein said POS builder software is made available as software as a service (SAAS).
8. (New) The web-based point of sale (POS) builder system of claim 3, wherein said web server is a standard internet web server implemented with standard web server hardware and software, using one or more relational databases, wherein software for said POS builder interface resides in and is executed from said web server.
9. (New) The web-based point of sale (POS) builder system of claim 3, wherein said POS builder software provides instructions to add new POS terminals.
10. (New) The web-based point of sale (POS) builder system of claim 3, wherein said POS builder software provides instructions to modify existing POS terminals.
11. (New) The web-based point of sale (POS) builder system of claim 3, wherein the number, shape and arrangement of selection keys or buttons for said POS terminals are specified from the POS builder interface.
12. (New) The web-based point of sale (POS) builder system of claim 11, wherein items are associated with said keys or buttons from the POS builder interface.
13. (New) The web-based point of sale (POS) builder system of claim 12, wherein attributes are attributed to said items from the POS builder interface.

14. (New) The web-based point of sale (POS) builder system of claim 13, wherein said attributes are stored, retrievable and changeable from a database stored on said web server.
15. (New) The web-based point of sale (POS) builder system of claim 3, wherein said POS terminals are accessible by a web browser.
16. (New) The web-based point of sale (POS) builder system of claim 3, wherein said POS terminals, once generated, operate independently of said web server.
17. (New) A method of implementing a web-based point of sale (POS) builder system, said system comprising a network-accessible web server having installed thereon POS builder software, the method comprising:
 - providing access to said web server by one or more POS terminals, said POS terminals being generated from instructions communicated from said POS builder software to respective one or more terminal devices;
 - accepting POS transactions via said POS terminals;
 - collecting transaction data corresponding to transactions occurring at said one or more POS terminals; and
 - providing further access to said web server by a POS builder interface via a communications network, said POS builder software being configured to programmatically create or modify said one or more POS terminals in real time over the network;wherein said POS builder software interacts with said one or more POS terminals over said network in order for the system to perform functions in accordance with instructions sent from the POS builder interface;
- wherein said POS transactions and corresponding transaction data from said one or more POS terminals are transmitted to said web server via a network connection; and

Application No.: 15/635097
Filing Date: June 27, 2017

wherein each POS transaction is correlated with corresponding transaction data occurring at said POS terminals.

18. (New) The method of claim 17, wherein use of said POS builder interface requires no special training.
19. (New) The method of providing a web-based point of sale (POS) builder system of claim 17, wherein the method further comprises testing of said POS terminals iteratively in real time while said POS terminals are operable to accept POS transactions.
20. (New) The method of claim 17, wherein at least one of said POS builder interface and said one or more POS terminals may be implemented without specialized hardware or software at a given terminal device.
21. (New) The method of claim 17, wherein said POS builder software is made available as software as a service (SAAS).
22. (New) The method of claim 17, wherein said web server is a standard internet web server, implemented with standard web server hardware and software, using one or more relational databases, wherein programming for said POS builder interface resides in and is executed from said web server.
23. (New) The method of claim 17, wherein the number, shape and arrangement of selection keys or buttons for said POS terminals are specified from the POS builder interface.
24. (New) The method of claim 23, wherein items are associated with said keys or buttons from the POS builder interface.
25. (New) The method of claim 24, wherein attributes are attributed to said items, said attributes stored, retrievable and changeable from a back office database stored on said web server.

Application No.: 15/635097
Filing Date: June 27, 2017

26. (New) The method of claim 17, wherein said POS terminals are accessible by a web browser.
27. (New) The method of claim 17, wherein said POS terminals, once generated, are operable independently of said web server.

Application No.: 15/635097
Filing Date: June 27, 2017

REMARKS

By the foregoing amendments, Applicant has amended the priority claim in the Specification, canceled claims 1-2 without prejudice or disclaimer, and added new claims 3-27. No new matter has been added. Entry of these amendments is respectfully requested.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following applications of the present application's assignee.

Docket No.	Serial No.	Title	Filed
N/A	12/012,666	WEB-BASED POINT OF SALE BUILDER	02/05/08
MERZ010.001C1	15/198,117	WEB-BASED POINT OF SALE BUILDER	06/30/2016

Applicant directs the Examiner to these applications to consider whether the subject matter claimed, now or as may be amended in the future, as well as the associated prosecution histories, now or in the future, may be relevant to the patentability of the present application (e.g., for reasons of double patenting). Applicant believes that the Examiner has access to the applications and associated file histories through the Patent Office (e.g., the IFW system). Accordingly, Applicant has not provided copies of these applications or the associated file

Application No.: 15/635097
Filing Date: June 27, 2017

histories. Applicant would be happy to provide copies of these materials, now or in the future, should the Examiner so request.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 28, 2017

By: Vladislav Z. Teplitskiy
Vladislav Z. Teplitskiy
Registration No. 68,069
Registered Practitioner
Customer No. 20995
(949) 760-0404

26210905

Electronic Patent Application Fee Transmittal				
Application Number:		15635097		
Filing Date:				
Title of Invention:		WEB-BASED POINT OF SALE BUILDER		
First Named Inventor/Applicant Name:		Wayne BARATTA		
Filer:		Vladislav Z. Teplitskiy/Paula Yrigoyen		
Attorney Docket Number:		MERZ010.001C2		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
CLAIMS IN EXCESS OF 20	1202	5	80	400
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				400

Electronic Acknowledgement Receipt	
EFS ID:	29636831
Application Number:	15635097
International Application Number:	
Confirmation Number:	1830
Title of Invention:	WEB-BASED POINT OF SALE BUILDER
First Named Inventor/Applicant Name:	Wayne BARATTA
Customer Number:	20995
Filer:	Vladislav Z. Teplitskiy/Christina Gaul
Filer Authorized By:	Vladislav Z. Teplitskiy
Attorney Docket Number:	MERZ010.001C2
Receipt Date:	28-JUN-2017
Filing Date:	
Time Stamp:	18:07:13
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$400
RAM confirmation Number	062917INTEFSW18075100
Deposit Account	111410
Authorized User	Christina Gaul
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 37 CFR 1.16 (National application filing, search, and examination fees) 37 CFR 1.17 (Patent application and reexamination processing fees)	

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	Rescission_MERZ010.pdf	16210	no	1
			cf7586043052275edcd9302c237d97fafb7a5fa9		
Warnings:					
Information:					
2		Prelim_MERZ010.pdf	43300	yes	9
			858a71cb7852fcc3d043c521b333e5327553ed5		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Preliminary Amendment		1	1	
	Specification		2	2	
	Claims		3	7	
	Applicant Arguments/Remarks Made in an Amendment		8	9	
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30484	no	2
			c950dd753c8c993d5b0856563dc4023d2243885a		
Warnings:					
Information:					
Total Files Size (in bytes):			89994		

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If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

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If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Docket No.: MERZ010.001C2
App. No.: 15/635097

June 28, 2017
Page 1 of 1

Please Direct All Correspondence to Customer Number

RESCISSION OF ANY PRIOR DISCLAIMERS AND REQUEST TO REVISIT ART

Inventor	: Wayne Baratta
App. No	: 15/635097
Filed	: June 27, 2017
For	: WEB-BASED POINT OF SALE BUILDER
Examiner	: Unknown
Art Unit	: Unknown
Conf #	: 1830

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

Dear Commissioner:

The claims of the present application are different and possibly broader in scope than the claims pursued in the parent application(s). To the extent any prior amendments or characterizations of the scope of any claim or referenced art could be construed as a disclaimer of any subject matter supported by the present disclosure, Applicant hereby rescinds and retracts such disclaimer. Accordingly, the references previously considered in the parent application(s) may need to be re-visited.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Knobbe, Martens, Olson & Bear, LLP

Respectfully submitted,

Dated: June 28, 2017

/Vladislav Z. Teplitskiy/
Vladislav Z. Teplitskiy
Registration No. 68,069
Registered Practitioner
Customer No. 20995
(949) 760-0404

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 Seq No: 5500 Sales Acctg Dt: 06/29/2017 15635097
 01 FC : 1202 -400.00 OP

TRANSMITTAL FOR POWER OF ATTORNEY TO ONE OR MORE REGISTERED PRACTITIONERS

NOTE: This form is to be submitted with the Power of Attorney by Applicant form (PTO/AIA/82B) to identify the application to which the Power of Attorney is directed, in accordance with 37 CFR 1.5, unless the application number and filing date are identified in the Power of Attorney by Applicant form. If neither form PTO/AIA/82A nor form PTO/AIA/82B identifies the application to which the Power of Attorney is directed, the Power of Attorney will not be recognized in the application.

Application Number	15/198117
Filing Date	June 30, 2016
First Named Inventor	Wayne Baratta
Title	WEB-BASED POINT OF SALE BUILDER
Art Unit	3687
Examiner Name	MASUD, ROKIB
Attorney Docket Number	MERZ010.001C1

SIGNATURE of Applicant or Patent Practitioner

Signature	/Vladislav Z. Teplitskiy/	Date (Optional)	
Name	Vladislav Z. Teplitskiy	Registration Number	68,069
Title (if Applicant is a juristic entity)			
Applicant Name (if Applicant is a juristic entity)			

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. If more than one applicant, use multiple forms.



*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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POWER OF ATTORNEY BY APPLICANT

I hereby revoke all previous powers of attorney given in the application identified in either the attached transmittal letter or the boxes below.

Application Number

Filing Date

(Note: The boxes above may be left blank if information is provided on form PTO/AIA/82A.)



I hereby appoint the Patent Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above:

20995

OR



I hereby appoint Practitioner(s) named in the attached list (form PTO/AIA/82C) as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the patent application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above. (Note: Complete form PTO/AIA/82C.)

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I am the Applicant (if the Applicant is a juristic entity, list the Applicant name in the box):



Inventor or Joint Inventor (title not required below)



Legal Representative of a Deceased or Legally Incapacitated Inventor (title not required below)



Assignee or Person to Whom the Inventor is Under an Obligation to Assign (provide signer's title if applicant is a juristic entity)



Person Who Otherwise Shows Sufficient Proprietary Interest (e.g., a petition under 37 CFR 1.46(b)(2) was granted in the application or is concurrently being filed with this document) (provide signer's title if applicant is a juristic entity)

SIGNATURE of Applicant for Patent

The undersigned (whose title is supplied below) is authorized to act on behalf of the applicant (e.g., where the applicant is a juristic entity).

Signature

Date (Optional)

02/07/2017

Name

Quentin Olsen

Title

NOTE: Signature - This form must be signed by the applicant in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. If more than one applicant, use multiple forms.



Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

POWER OF ATTORNEY BY APPLICANT

I hereby revoke all previous powers of attorney given in the application identified in either the attached transmittal letter or the boxes below.

Application Number	Filing Date

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☐ I hereby appoint Practitioner(s) named in the attached list (form PTO/AIA/82C) as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the patent application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above. (Note: Complete form PTO/AIA/82C.)

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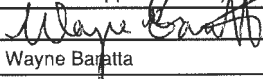
I am the Applicant (if the Applicant is a juristic entity, list the Applicant name in the box):

--

- ☒ Inventor or Joint Inventor (title not required below)
- ☐ Legal Representative of a Deceased or Legally Incapacitated Inventor (title not required below)
- ☐ Assignee or Person to Whom the Inventor is Under an Obligation to Assign (provide signer's title if applicant is a juristic entity)
- ☐ Person Who Otherwise Shows Sufficient Proprietary Interest (e.g., a petition under 37 CFR 1.46(b)(2) was granted in the application or is concurrently being filed with this document) (provide signer's title if applicant is a juristic entity)

SIGNATURE of Applicant for Patent

The undersigned (whose title is supplied below) is authorized to act on behalf of the applicant (e.g., where the applicant is a juristic entity).

Signature		Date (Optional)	02/01/2017
Name	Wayne Baratta		
Title			

NOTE: Signature - This form must be signed by the applicant in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. If more than one applicant, use multiple forms.

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This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Web-Based Point of Sale Builder

This is a continuation of U.S. Patent application serial number 12/012,666,
5 filed on 02/05/08, which is herein incorporated by reference in its entirety, and
assigned to a common assignee.

Related Patent Applications

10 This application is related to docket number TY2006-001, filed on February 26,
2007, serial number 11,710,722 and docket number TY2006-002, filed on
February 26, 2007, serial number 11,710,723, which are herein incorporated by
reference in its entirety.

15

Background of the Invention

Field of the Invention

20 This invention relates to a system and a method for building a point of sale
(POS) system to manage business operations. The business operations range
from a single branch to a large chain of stores or branches.

More particularly this invention relates to an online, web-based point of sale builder method, which can assist non-expert business operators in assembling a point of sale system to manage their businesses.

5 Description of Related Art

Current practice in the field of assembling point of sale systems includes manually coding front-of- screen information. Typically, this front-of-screen information contains menu selections, page selections, and general answers to
10 business questions. This front-of-screen menu is typically manually coded by a business expert with the help of a programmer or data expert. Also, currently the entry of this front-of-screen information requires intimate knowledge of a complex interface to a front-of-screen programming language. In summary, current practice includes the manual building of a point of sale (POS) screen. This
15 manual process requires defining the position and operation of touch screen keys and their database correspondence. Currently, only specially trained people can build or change POS screens. This manual POS building and editing is prone to mistakes and is time-consuming. Since POS screen changes are difficult and prone to error, store owners tend to retain older, inaccurate, out-of-date POS
20 screens in order to avoid the POS screen editing process. Also, current POS screen editing occurs off-line with the testing of the screens occurring at a later date, at a remote store location. The following references represent prior art in the field of screen configuration building.

U. S. Patent 5,818,428 (Eisenbrandt et al.) describes a control system with a user configurable interface, particularly suitable for use in connection with appliances. Users can configure display screens either at a point of sale location or at home with a personal computer.

5

U. S. Patent 6,629,080 B1 (Kolls) describes a universal advertising and payment system and method for networking, monitoring and advancing electronic commerce and controlling vending equipment.

10

U. S. Patent 7,051,091B1 (Cohen et al.) discloses a configuration builder useful in configuring software containing hardware units which are serviced by a center which services a multiplicity of similar units having a plurality of different configurations.

15

U. S. Patent 5,987,426 (Goodwin) describes a system and method of transferring information between a first software application and a second software application which employ an isolation layer. The system includes a client computer system provided by a first seller of computer systems, including a client software application, and a server computer system provided by a second seller of computer system.

20

Brief Summary of the Invention

It is the objective of this invention to provide a system and a method
5 for building a point of sale (POS) system to manage business operations. The
business operations range from a single branch to a large chain of stores or
branches.

It is further an object of this invention to provide an online, web-based
10 point of sale builder system and method, which can assist non-expert or expert
business operators in assembling a point of sale system to manage their
businesses. This point of sale building operation can be done in real time from
anywhere in the world.

15 The objects of this invention are achieved by a web-based point of sale
(POS) builder comprising one or more point of sale terminals, which display
POS, screens, an Internet connection to a web server, one or more local or
remote PC workstations, and point of sale builder software which runs on said
web server. Local or remote workstations can be utilized to build or edit said
20 POS terminals in real time, from anywhere in the world and over the world-wide
web.

Brief Description of the Drawings

5 FIG. 1 shows a typical point of sale touch screen for a pretzel store, as an example only.

 FIG. 2 shows a typical touch screen for the drinks panel of a pizza restaurant, as an example only.

10

 FIG. 3 is a system diagram for web-based back office which supports point of sale terminals.

 FIG. 4a is a sample screen builder panel before the screen building
15 process begins.

 FIG. 4b is a sample screen builder panel after the screen building process is under way.

20 FIG. 5 is a high level flowchart which illustrates the main embodiment of the screen building process.

Detailed Description of the Invention

5 Figure 1 shows a typical point of sale (POS) touch screen for, as an example only, a pretzel store. There are touch keys for pretzels 11 and for drinks 12. Selecting these keys would typically bring up secondary screens displaying specific product keys for ordering different types of pretzels and drinks respectively. In addition, the screen in figure 1 has some specific pretzel product 10 keys 13 and specific pretzel topping keys 14. Currently in the prior art, a touch screen as shown in figure 1 is manually configured by a programmer who knows the specific proprietary point of sale system used by a store or business. The figure 1 screen design involves the specific key layout and size of keys. In addition, the figure 1 screen keys must have corresponding hooks or references 15 to product data such as item name, price, cost, group, taxable, and inventory as shown in figure 4. In this invention, this product data and the touch key structure is stored in relational databases in the back office which is stored on the web servers 36 shown in figure 3.

20 As an example only, figure 2 shows a touch screen for the drinks page of a pizza restaurant. Again in the prior art, a specialized programmer had to design the layout and data for these POS touch keys. Typically, the programmer is located remotely from the store or business. He or she must learn about the 25 store's POS requirements via phone calls, emails, and meetings with store

operators. In addition, the programmer would need to iterate several passes of the touch screen design and allow the store operator to test the screens. With this invention, the store operator will be able to build his POS screens online over the Internet. With input from the store operator, the POS builder can specify and

5 display the number, shape and arrangement of selection keys or buttons on said POS screens. The store operator, who does not have to be technically trained, will be able to edit and test his screens until he is satisfied with the end results. The testing of said POS screens can be done iteratively by the store operator in real time while said POS terminals are simultaneously in use during store and

10 business operation hours or after store hours. Alternatively, the testing of said POS screens can be done iteratively by a remotely located person such as a store manager or director in real time while said POS terminals are simultaneously in use during store hours or after store hours. All backoffice changes which include screen changes, price changes, employee validation

15 changes are submitted to a batch bucket or queue. These changes have to be submitted for final posting at a scheduled time. For example, the phasing in of new screens and / or new data such as prices and employee validation can be scheduled. The time schedule for uploading or posting these screen changes and / or new data can be specified as follows. Only as examples, the changes

20 can take place after the present transactions are completed. Alternatively, the changes can take place at the end of the business day, during the night, at the start of the next day or at the next application restart for example. Typically,

screen changes will take place at the next application start at the beginning of a business day.

This automatic online POS builder will reduce the development time for
5 POS screens by weeks. In addition, the store operator will be able to edit the
POS screens and its relational databases any time as often as desired. In
addition, the store operator will be able to edit, change and test the screens
within minutes in real time. The store operator can iterate these changes
instantly until he gets the desired screen appearance. This real-time testing and
10 iteration of screen designs is an important feature of this invention. This feature
motivates the store operator to keep his screens up to date and accurate.
Previously, the store operator would avoid updating screens, since it involved the
time and expense of working with programmers off line.

15 Figure 3 shows a high level diagram of this invention. There are N POS
terminals (POS 1, POS 2.....POS N) in "Store" 31 and in "Store N" 32. POS 31 is
in Store 1 and POS 2 (32) is in Store 2. Each POS includes personal computer
hardware and software. Additional POS terminals beyond those shown, as well
20 as additional stores beyond the two shown, are within the scope of the invention.
Each POS normally operates with a hardware/software connection 35 to the
Internet or Web. However, if the web goes down, the POS terminal continues to
operate. There is a "loose coupling" of the POS to the back office (BO): the POS

to BO connection is not required for the basic business functions of the POS. All transaction data is stored in a relational database on the hard drive in the POS.

A relational database stores all of its data inside tables. All operations on data are done on the tables themselves. Some operation produce other tables as the result. A table is a set of rows and columns. Each row is a set of columns with only one value for each. All rows from the same table have the same set of columns, although some columns may have NULL values. A NULL value is an "unknown" value. The rows from a relational table are analogous to a record, and the columns are analogous to a field. Below is an example of a relational table.

NAME	COMPANY	E_MAIL
Jane A. Doe	ABC	jad@abc.com
Bill X. Smith	XYZ	bxs@xyz.com

There are two basic operations one can perform on a relational table. The first one is retrieving a subset of its columns. The second is retrieving a subset of its rows. The field names such as company describe the content of the columns of the relational table. The rows delineate the individual records stored in the relational tables.

As transactions are created at a POS a log entry for the newest transaction is also created, this log entry is used to flag if the transaction has been uploaded to the web server. Part of the POS application, the BO interface is continuously running in the background. This component reads the log of transactions. If a transaction needs to be sent, it tries to send it. If the send fails (for example, if the connection to, or the Internet itself, is down), it goes to sleep and tries again later. Additionally, the BO interface requests update from the BO such as new items, price changes, employees, etc. The POS terminals communicate via HTTP protocol (hypertext transfer protocol) 35 with Back-office BO software, which is implemented on web servers 36, which can be located anywhere in the world. In addition, the BO software and data can be viewed from any store employee at any PC 33 who has Internet access 37 and a password.

The POS such as 31 send transaction data to the BO in the form of an HTTP post or communication. The packet 35 sent from the POS to the BO consists of transactions, employee clock, customer add/update, item add/update, promotions and more. Promotions are configured in the back office and associated with items or customers or departments. For example, a promotion may be associated with a customer to implement customer loyalty points or a promotion may be associated with a certain item for a % discount. A client who is the store manager or owner selects a promotion type, associates it with an item, department, etc, then sets the parameters that control how that promotion

works. These transaction transmissions between the POS and the BO can be encrypted to insure privacy and security. A typical encryption method is 128 bit SSL (secure sockets layer). A further element of security is that each BO client (individual POS, store or multi-store owner) gets their own instance of a

5 database. When they log into the BO they are attached to their own relational database associated and validated via their user login and password.

Figures 4a and 4b show a typical web-based POS builder interface.

Figure 4a shows a grid of boxes labeled with screen numbers 1-4. Typically,

10 screens will have screen names such as in 21, "Subs". Under each screen box column are boxes labeled "Add Item". These boxes allow the addition of different products such as small pizza, large pizza, etc. as shown in figure 4b. Figure 4b shows the data interface which would appear when selecting the large pizza box. The store operator would be able to enter and/or modify item name, price, cost,

15 group, taxable and inventory. The above illustrates the ease of building POS screens by store operators via the Web.

Figure 5 shows a flowchart of the point of sale builder methodology. The

20 flow in fig. 5 also refers to fig. 4a and 4b. The Begin POS Build block 51 is entered when the Builder Program is initiated 50 from a Web page action.

When creating a new POS, Block 51 brings up a screen such as that shown in Fig. 4a. The screens in Fig. 4a need to be defined. Block 53 allows the

25 store operator to select which screen number to define. Fig. 4b shows what

appears on the Web screen after the store operator selects screen #1 (53) to work on. In Fig. 5, Block 54 allows the store operator to enter/edit the screen name being worked on, such as pizza, as an example only, in Fig. 4b. In Fig. 5, block 54 allows the store operator to enter the number of touch keys planned for the pizza screen, as an example only.

Fig. 4b shows the screen after a few touch screen buttons have been defined. Screen 1 has been labeled Pizza. The pizza screen in Fig. 4b currently has 1 touch screen button item defined on the screen, Large pizza 22. The Large Pizza item button was entered by hitting ADD Item 20 in Fig. 4a. After hitting add item, Fig. 4b appears with the template 23 to be filled in. This step is shown in block 56 of Fig. 5. The template includes Item Name, Price, Cost, Group, Taxable, Inventory. Item Name is Large Pizza. Price is easily changeable, Cost is the cost of making materials. Group is the Pizza Group, Taxable is as yes or no selection. Inventory can be used to monitor the number of Large Pizza's makeable with the dough, cheese and sauce on hand. Other Template items can be added to the template 23 in Fig. 4b.

In Fig. 5, block 57 asks whether the screen being worked on i.e.) Pizza Screen is done. If the store operator answers yes 59, the flowchart flows to Node 52 in Fig. 5. This allows the store operator to select another screen # as shown in Fig. 4a. If the store operator answers no 58, the flowchart flows to

Node 55 in Fig. 5. This allows the store operator to select, add, or edit another item on the pizza screen.

The key advantages of the Web-based POS builder are that it is

5 completely built on the foundation of the Web. The POS builder is accessible anywhere in the world. It can be used by a person of any skill level. The POS builder builds, edits, and tests new POS terminals in real time. In addition, all screen designs and changes are reflected real-time into the back office (BO) server's screen database. For example, all screen designs inputted from any PC

10 in the world appear instantly in the BO screen database, which is instantly viewable anywhere in the world via web browsers. Another big advantage is that all screen design software is located and executed in the BO server. Since all screen designs and changes are immediately visible from any manager's PC at their home or at headquarters, there is always management oversight of these

15 changes. Therefore, this screen builder allows for local in-store flexibility by the individual store operator or manager, but also provides for corporate visibility of screens instantly for control and standardization. Also, this screen builder does not require the need for any server to be located in the store. Another advantage of this system is the use of standard PC and web architecture which

20 offers both full-scalability without degrading system performance. This results in improved performance and lower cost of implementing these business systems. There is a lower cost associated with projects developed with the technology of this invention due to the flexibility of easy design changes and well-understood

software. There is less training required for programmers and system testers. Projects can draw on the huge talent pool in the open source development community. The invention allows configurable software modules for different types of businesses and sales promotions. The invention allows remote

5 monitoring of screen designs from anywhere via the web. There is minimal time required for the implementation and installation of the POS builder system, since the POS builder setup is as basic as a home PC setup. Another advantage is that the POS builder system can be provided as a service or deployed within a corporation. For example, Software as a Service (SAAS) is a software

10 distribution model in which applications are hosted by a vendor or service provider and made available to customers over a network, typically the Internet. Another advantage of this invention is that the POS builder system is maintained in customer centric databases, making it impossible for customers to see other's data. Each POS builder system client gets their own instance of a database.

15 When they log into the BO they are attached to their own relational database associated and validated via their user login and password.

While this invention has been particularly shown and described with Reference to the preferred embodiments thereof, it will be understood by those

20 Skilled in the art that various changes in form and details may be made without Departing from the spirit and scope of this invention.

What is claimed is:

1. A web-based point of sale (POS) builder system comprising:
 - one or more point of sale terminals, that display POS screens,
 - an internet connection from said one or more point of sale terminals
 - 5 to a web server,
 - one or more local or remote PC workstations,
 - point of sale builder software that runs on said web server, and
 - one or more cameras,
 - wherein said local or remote workstations are utilized to build or edit said POS
 - 10 terminals in real time, from anywhere in the world and over the worldwide web,
 - wherein said web servers are provided as a vendor subscription service wherein
 - web server software resides and is hosted on said vendor's remote servers and
 - wherein subscriber company's POS terminal access and repeatedly interact with
 - said web server software from said vendor's remote servers, in order to perform
 - 15 the subscriber's desired function, over a network, wherein the network comprises
 - the internet, and
 - wherein video captured by said cameras is processed and organized by video
 - software residing on said point of sale personal computer hardware.
- 20 2. The web-based point of sale (POS) builder system of claim 1 wherein said
 - video that is captured is remotely viewable.

Abstract

5 This invention provides a system and a method for online, web-based
point of sale (POS) building and configuration, which can assist non-expert
business operators in building, editing and testing a point of sale system to
manage their businesses. The business operations range from a single branch
to a large chain of stores or branches. The key advantages of the Web-based
10 POS builder are that it is completely built on the foundation of the Web. The
POS builder is accessible anywhere in the world. It can be used by a person of
any skill level. The POS builder builds, edits, and tests new POS terminals in
real time.

15

INFORMATION DISCLOSURE STATEMENT

First Inventor :	Wayne Baratta
App. No. :	Unknown
Filed :	Herewith
For :	WEB-BASED POINT OF SALE BUILDER
Examiner :	Unknown
Art Unit :	Unknown
Conf. No. :	Unknown

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

References and Listing

Pursuant to 37 CFR 1.56, an Information Disclosure Statement listing references is provided herewith. Listed references are of record in U.S. patent application Nos. 12/012666, filed 02/05/2008, and 15/198117, filed 06/30/2016, which are the parent applications of this continuation application, and are relied upon for an earlier filing date under 35 USC 120. Copies of the references are not submitted pursuant to 37 CFR 1.98(d).

No Disclaimers

To the extent that anything in the Information Disclosure Statement or the listed references could be construed as a disclaimer of any subject matter supported by the present application, Applicant hereby rescinds and retracts such disclaimer.

Timing of Disclosure

This Information Disclosure Statement is being filed within three months of the filing date or date of national phase entry, with an RCE or before receipt of a First Office Action after an RCE, and no fee is believed to be required.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.

Application No.: Unknown
Filing Date: Herewith

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 27, 2017

By: Vladislav Z. Teplitskiy/
Vladislav Z. Teplitskiy
Registration No. 68,069
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Customer No. 20995
(949) 760-0404

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Multiple sheets used when necessary)</i>	Application No.	Unknown
	Filing Date	Herewith
	First Named Inventor	Wayne Baratta
	Art Unit	Unknown
	Examiner	Unknown
SHEET 1 OF 1	Attorney Docket No.	MERZ010.001C2

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	Document Number <i>Number - Kind Code (if known)</i> Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	1	5,818,428	10-06-1998	Eisenbrandt, et al.	
	2	5,956,716	09-21-1999	Intervu, Inc	
	3	5,987,426	11-16-1999	Goodwin, III	
	4	6,629,080	09-30-2003	Kolis	
	5	7,015,945	03-21-2006	Visilinx Inc.	
	6	7,051,091	05-23-2006	Cohen, et al.	
	7	2003/0041330	02-27-2003	Smith	
	8	2004/0128199	07-01-2004	Chicken-Out, Inc	
	9	2004/0181454	09-16-2004	Manno	
	10	2005/0021409	01-27-2005	Michaud, Jr., et al.	
	11	2008/0077872	03-27-2008	Ycd Ltd.	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Foreign Patent Document <i>Country Code-Number-Kind Code</i> Example: JP 1234567 A1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ¹
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NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ¹
	12	Co-pending US Patent TY06-001, Serial No. 11/710,722, File date: February 26, 2007, "Point of Sale System with Web-Based Back-Office," by Quentin Olson, 25 pgs.	
	13	Co-pending US Patent TY06-002, Serial No. 11/710,723, File date: February 26, 2007, "Point of sale Video Server Processing System," by Quentin Olson et al., 24 pgs.	
	14	Co-pending US Patent TY06-003, Serial No. 12/012,393, File date: February 1, 2008, "Hand-Held Web Browser Inventory Checking System," by Quentin Olson et al., 24 pgs.	
	15	Localsoft Tech, db2k e-Store Builder 3.00 details, 3 pgs, found 02/08/2008, http://www.soft32download.com/software/dbk-e-Store-Builder-download-details.html	
	16	IBM 4690 ASTRA – Graphical User Interface (GUI) – Specifications, 1 pg., found 02/08/2008, http://www.03.ibm.com/products/retail/products/software/gui/astra/specs.html	

26189695

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

T¹ - Place a check mark in this area when an English language Translation is attached.

Electronic Patent Application Fee Transmittal				
Application Number:				
Filing Date:				
Title of Invention:		WEB-BASED POINT OF SALE BUILDER		
First Named Inventor/Applicant Name:		Wayne BARATTA		
Filer:		Vladislav Z. Teplitskiy		
Attorney Docket Number:		MERZ010.001C2		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
UTILITY FILING FEE (ELECTRONIC FILING)	4011	1	70	70
UTILITY SEARCH FEE	2111	1	300	300
UTILITY EXAMINATION FEE	2311	1	360	360
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				730

Electronic Acknowledgement Receipt	
EFS ID:	29626578
Application Number:	15635097
International Application Number:	
Confirmation Number:	1830
Title of Invention:	WEB-BASED POINT OF SALE BUILDER
First Named Inventor/Applicant Name:	Wayne BARATTA
Customer Number:	20995
Filer:	Vladislav Z. Teplitskiy/Heather OBrien
Filer Authorized By:	Vladislav Z. Teplitskiy
Attorney Docket Number:	MERZ010.001C2
Receipt Date:	27-JUN-2017
Filing Date:	
Time Stamp:	20:16:14
Application Type:	Utility under 35 USC 111(a)

Payment information:

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Payment was successfully received in RAM	\$ 730
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File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Application Data Sheet	ADS_MERZ010.pdf	1823036	no	8
			429a327a9b812ac598930c34e3a55d4bf12b78a8		
Warnings:					
Information:					
2	Oath or Declaration filed	Declarations_MERZ010.pdf	513640	no	2
			58f27640e7feb9122bb51d213ea7e8354e7abff1		
Warnings:					
Information:					
3	Drawings-only black and white line drawings	Figures_MERZ010.pdf	123711	no	5
			4c21c24da457d3a5fab18af274047425ff3b228e		
Warnings:					
Information:					
4	Power of Attorney	POA_MERZ010.pdf	535405	no	3
			80c42a63d69aa608af12bce475dd85772d6e5228		
Warnings:					
Information:					
5		Spec_MERZ010.pdf	3767843	yes	16
			f1102d5cd237fa7e541a5960460c87be87064003		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Specification		1	14	
	Claims		15	15	
	Abstract		16	16	

Warnings:					
Information:					
6		IDS_MERZ010.pdf	93424 18dbc940c44a506386045665f670382539f8f10f	yes	3
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Transmittal Letter		1	2	
	Information Disclosure Statement (IDS) Form (SB08)		3	3	
Warnings:					
Information:					
7	Fee Worksheet (SB06)	fee-info.pdf	34739 df0239a04bc401e93898e94eb2c74b288ba3e1ad	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			6891798		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

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

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	MERZ010.001C2
		Application Number	
Title of Invention	WEB-BASED POINT OF SALE BUILDER		
The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.			

Secrecy Order 37 CFR 5.2:

☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

Inventor Information:

Inventor	1				Remove	
Legal Name						
Prefix	Given Name	Middle Name	Family Name	Suffix		
	Wayne		BARATTA			
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service						
City	Poughkeepsie	State/Province	NY	Country of Residenceⁱ	US	
Mailing Address of Inventor:						
Address 1	89 S. Randolph Avenue					
Address 2						
City	Poughkeepsie	State/Province	NY			
Postal Code	12601	Countryⁱ	US			
Inventor	2				Remove	
Legal Name						
Prefix	Given Name	Middle Name	Family Name	Suffix		
	Quentin		OLSON			
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service						
City	Port Townsend	State/Province	WA	Country of Residenceⁱ	US	
Mailing Address of Inventor:						
Address 1	1434 Grant Street					
Address 2						
City	Port Townsend	State/Province	WA			
Postal Code	98368	Countryⁱ	US			
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button. Add						

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below.
For further information see 37 CFR 1.33(a).

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	MERZ010.001C2
		Application Number	
Title of Invention	WEB-BASED POINT OF SALE BUILDER		

☐ An Address is being provided for the correspondence information of this application.

Customer Number	20995		
Email Address	efiling@knobbe.com	Add Email	Remove Email

Application Information:

Title of the Invention	WEB-BASED POINT OF SALE BUILDER		
Attorney Docket Number	MERZ010.001C2	Small Entity Status Claimed	☒
Application Type	Nonprovisional		
Subject Matter	Utility		
Total Number of Drawing Sheets (if any)	5	Suggested Figure for Publication (if any)	

Filing By Reference:

Only complete this section when filing an application by reference under 35 U.S.C. 111(c) and 37 CFR 1.57(a). Do not complete this section if application papers including a specification and any drawings are being filed. Any domestic benefit or foreign priority information must be provided in the appropriate section(s) below (i.e., "Domestic Benefit/National Stage Information" and "Foreign Priority Information").

For the purposes of a filing date under 37 CFR 1.53(b), the description and any drawings of the present application are replaced by this reference to the previously filed application, subject to conditions and requirements of 37 CFR 1.57(a).

Application number of the previously filed application	Filing date (YYYY-MM-DD)	Intellectual Property Authority or Country

Publication Information:

☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)

☐ **Request Not to Publish.** I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Either enter Customer Number or complete the Representative Name section below. If both sections are completed the customer Number will be used for the Representative Information during processing.

Please Select One:	☒ Customer Number	☐ US Patent Practitioner	☐ Limited Recognition (37 CFR 11.9)
Customer Number	20995		

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.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	MERZ010.001C2
		Application Number	
Title of Invention	WEB-BASED POINT OF SALE BUILDER		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, 365(c), or 386(c) or indicate National Stage entry from a PCT application. Providing benefit claim information in the Application Data Sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.

When referring to the current application, please leave the "Application Number" field blank.

Prior Application Status	Pending					Remove
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)			
	Continuation of	15/198117	2016-06-30			
Prior Application Status	Patented					Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)	
15/198117	Continuation of	12/012666	2008-02-05	9400640	2016-07-26	
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.						Add

Foreign Priority Information:

This section allows for the applicant to claim priority to a foreign application. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55. When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX)ⁱ the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(i)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).

Application Number	Country ⁱ	Filing Date (YYYY-MM-DD)	Access Code ^j (if applicable)	Remove
Additional Foreign Priority Data may be generated within this form by selecting the Add button.				Add

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications

☐ This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013.

NOTE: By providing this statement under 37 CFR 1.55 or 1.78, this application, with a filing date on or after March 16, 2013, will be examined under the first inventor to file provisions of the AIA.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	MERZ010.001C2
		Application Number	
Title of Invention	WEB-BASED POINT OF SALE BUILDER		

Authorization or Opt-Out of Authorization to Permit Access:

When this Application Data Sheet is properly signed and filed with the application, applicant has provided written authority to permit a participating foreign intellectual property (IP) office access to the instant application-as-filed (see paragraph A in subsection 1 below) and the European Patent Office (EPO) access to any search results from the instant application (see paragraph B in subsection 1 below).

Should applicant choose not to provide an authorization identified in subsection 1 below, applicant **must opt-out** of the authorization by checking the corresponding box A or B or both in subsection 2 below.

NOTE: This section of the Application Data Sheet is **ONLY** reviewed and processed with the **INITIAL** filing of an application. After the initial filing of an application, an Application Data Sheet cannot be used to provide or rescind authorization for access by a foreign IP office(s). Instead, Form PTO/SB/39 or PTO/SB/69 must be used as appropriate.

1. Authorization to Permit Access by a Foreign Intellectual Property Office(s)

A. Priority Document Exchange (PDX) - Unless box A in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the State Intellectual Property Office of the People's Republic of China (SIPO), the World Intellectual Property Organization (WIPO), and any other foreign intellectual property office participating with the USPTO in a bilateral or multilateral priority document exchange agreement in which a foreign application claiming priority to the instant patent application is filed, access to: (1) the instant patent application-as-filed and its related bibliographic data, (2) any foreign or domestic application to which priority or benefit is claimed by the instant application and its related bibliographic data, and (3) the date of filing of this Authorization. See 37 CFR 1.14(h)(1).

B. Search Results from U.S. Application to EPO - Unless box B in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the EPO access to the bibliographic data and search results from the instant patent application when a European patent application claiming priority to the instant patent application is filed. See 37 CFR 1.14(h)(2).

The applicant is reminded that the EPO's Rule 141(1) EPC (European Patent Convention) requires applicants to submit a copy of search results from the instant application without delay in a European patent application that claims priority to the instant application.

2. Opt-Out of Authorizations to Permit Access by a Foreign Intellectual Property Office(s)

☐ A. Applicant **DOES NOT** authorize the USPTO to permit a participating foreign IP office access to the instant application-as-filed. If this box is checked, the USPTO will not be providing a participating foreign IP office with any documents and information identified in subsection 1A above.

☐ B. Applicant **DOES NOT** authorize the USPTO to transmit to the EPO any search results from the instant patent application. If this box is checked, the USPTO will not be providing the EPO with search results from the instant application.

NOTE: Once the application has published or is otherwise publicly available, the USPTO may provide access to the application in accordance with 37 CFR 1.14.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	MERZ010.001C2
		Application Number	
Title of Invention	WEB-BASED POINT OF SALE BUILDER		

Applicant Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Applicant	1	Remove		
If the applicant is the inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. The information to be provided in this section is the name and address of the legal representative who is the applicant under 37 CFR 1.43; or the name and address of the assignee, person to whom the inventor is under an obligation to assign the invention, or person who otherwise shows sufficient proprietary interest in the matter who is the applicant under 37 CFR 1.46. If the applicant is an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest) together with one or more joint inventors, then the joint inventor or inventors who are also the applicant should be identified in this section. Clear				
Assignee	Legal Representative under 35 U.S.C. 117	Joint Inventor		
Person to whom the inventor is obligated to assign.		Person who shows sufficient proprietary interest		
If applicant is the legal representative, indicate the authority to file the patent application, the inventor is:				
Name of the Deceased or Legally Incapacitated Inventor:				
If the Applicant is an Organization check here. ☐				
Prefix	Given Name	Middle Name	Family Name	Suffix
Mailing Address Information For Applicant:				
Address 1				
Address 2				
City		State/Province		
Country		Postal Code		
Phone Number		Fax Number		
Email Address				
Additional Applicant Data may be generated within this form by selecting the Add button. Add				

Assignee Information including Non-Applicant Assignee Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

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.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	MERZ010.001C2
		Application Number	
Title of Invention	WEB-BASED POINT OF SALE BUILDER		

Assignee	1			
Complete this section if assignee information, including non-applicant assignee information, is desired to be included on the patent application publication. An assignee-applicant identified in the "Applicant Information" section will appear on the patent application publication as an applicant. For an assignee-applicant, complete this section only if identification as an assignee is also desired on the patent application publication.				
				Remove
If the Assignee or Non-Applicant Assignee is an Organization check here.				☐
Prefix	Given Name	Middle Name	Family Name	Suffix
Mailing Address Information For Assignee including Non-Applicant Assignee:				
Address 1				
Address 2				
City		State/Province		
Country ⁱ		Postal Code		
Phone Number		Fax Number		
Email Address				
Additional Assignee or Non-Applicant Assignee Data may be generated within this form by selecting the Add button.				Add

Signature:

NOTE: This Application Data Sheet must be signed in accordance with 37 CFR 1.33(b). However, if this Application Data Sheet is submitted with the **INITIAL** filing of the application and either box A or B is **not** checked in subsection 2 of the "Authorization or Opt-Out of Authorization to Permit Access" section, then this form must also be signed in accordance with 37 CFR 1.14(c).

This Application Data Sheet **must** be signed by a patent practitioner if one or more of the applicants is a **juristic entity** (e.g., corporation or association). If the applicant is two or more joint inventors, this form must be signed by a patent practitioner, **all** joint inventors who are the applicant, or one or more joint inventor-applicants who have been given power of attorney (e.g., see USPTO Form PTO/AIA/81) on behalf of **all** joint inventor-applicants.

See 37 CFR 1.4(d) for the manner of making signatures and certifications.

Signature	Vladislav Z. Teplitskiy/		Date (YYYY-MM-DD)	2017-06-27
First Name	VLADISLAV Z.	Last Name	TEPLITSKIY	Registration Number
				68069
Additional Signature may be generated within this form by selecting the Add button.				Add

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.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	MERZ010.001C2
		Application Number	
Title of Invention	WEB-BASED POINT OF SALE BUILDER		

This collection of information is required by 37 CFR 1.76. 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 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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.

DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET

DOCKET NO. TY06-004 CON

Title of Invention: Web-Based Point of Sale Builder

As a below named Inventor I hereby declare that:

This Declaration is directed to:

- ☒ The attached application, or
- ☐ United States application, or PCT international application, number _____,
Filed on _____

The above-identified application was made or authorized to be made by me.

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original inventor or an original joint inventor of a claimed invention in the application.

I hereby state that I have reviewed and understand the contents of the above identified specification including the claims.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby acknowledge that any willful false statement made in this Declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

WAYNE BARATTA 6/22/16
Legal name of sole or first inventor Date
Wayne Baratta
Inventor's signature
89 S. Randolph Ave Poughkeepsie NY 12601 U.S.
Inventor Residence - street, city, state, zip, country
U.S.
Citizenship
89 S. Randolph Ave Poughkeepsie NY 12601
Post Office Address

QUENTIN OLSON
Legal name of sole or first inventor Date
Inventor's signature
Inventor Residence - street, city, state, zip, country
Citizenship
Post Office Address

DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION
DATA SHEET

DOCKET NO. TY06-004 CON

Title of Invention: Web-Based Point of Sale Builder

As a below named inventor I hereby declare that:

This Declaration is directed to:

- ☒ The attached application, or
☐ United States application, or PCT international application, number _____
Filed on _____

The above-identified application was made or authorized to be made by me.

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original inventor or an original joint inventor of a claimed invention in the application.

I hereby state that I have reviewed and understand the contents of the above identified specification including the claims.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby acknowledge that any willful false statement made in this Declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

WAYNE BARATTA

Legal name of sole or first inventor _____ Date _____

Inventor's signature _____

Inventor Residence - street, city, state, zip, country _____

Citizenship _____

Post Office Address _____

QUENTIN OLSON

6/23/2016

Legal name of sole or first inventor _____ Date _____

Inventor's signature _____

1434 Grant St, Port Townsend, WA 98368, USA

Inventor Residence - street, city, state, zip, country _____

USA

Citizenship _____

1434 Grant St, Port Townsend, WA 98368

Post Office Address _____

Qty	Description		Amount					
				PRETZELS	DRINKS			
				11	12			
				Caramel Crunch Pretzel	Cinnamon Sugar Pretzel	Garlic	Original Pretzel	Parmesan Pretzel
			13					
				Pretzel Dog	Sour Cream & Onion Pretzel	Pretzel Sticks	Caramel	Cheddar Cheese
			13					
				Honey Mustard	Nacho Cheese	Pizza Sauce		
UP		DOWN	14					
7	8	9	QTY		SOLD ITEM	COIN SALE	OPEN DRAWER	
4	5	6	ENTER		CASH	RETURN LAST RECEIPT	MISC	
1	2	3						
CLEAR	0	00		FUNCTION	\$5	\$10	\$20	\$50

FIG. 1

Qty	Description	Amount					
	garlic	2.29	HOME	DRINKS	SMALL	MEDIUM	LARGE
	pizza sauce	0.59					
	cranberry grape	1.49					
	large sprite	1.50	COKE	DIETCOKE	PUNCH		SPRITE
			APPLE JUICE	CRANBERRY APPLE RASPBERRY	CRANBERRY GRAPE	DANNON SPRING WATER	MINUTE MAID ORANGE JUICE
			COLUMBIAN		VANILLA	MUT	MACADAMIA NUT
Total							
UP		DOWN					
7	8	9	QTY				
4	5	6	ENTER		CASH	RETURN LAST RECEIPT	MISC
1	2	3					
CLEAR	0	00		FUNCTION	\$5	\$10	\$20 \$50

FIG. 2

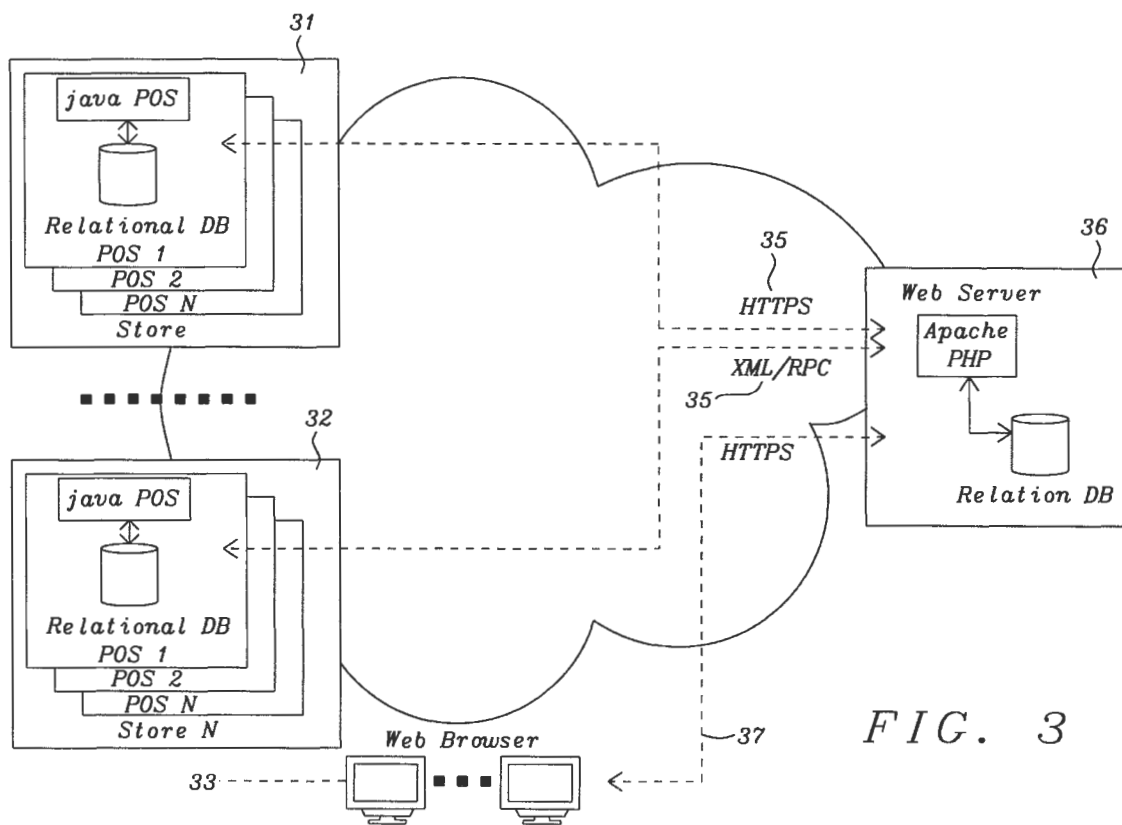


FIG. 3

3/5

Screen 1	Screen 2	Screen 3	Screen 4
21	SUBS		
Add Item <u>20</u>	Add Item	Add Item	Add Item

FIG. 4a

Screen 1

PIZZA			
LARGE PIZZA			

22

↓

ITEM NAME _____
 PRICE _____
 COST _____
 GROUP _____
 TAXABLE _____
 INVENTORY _____

}

23

FIG. 4b

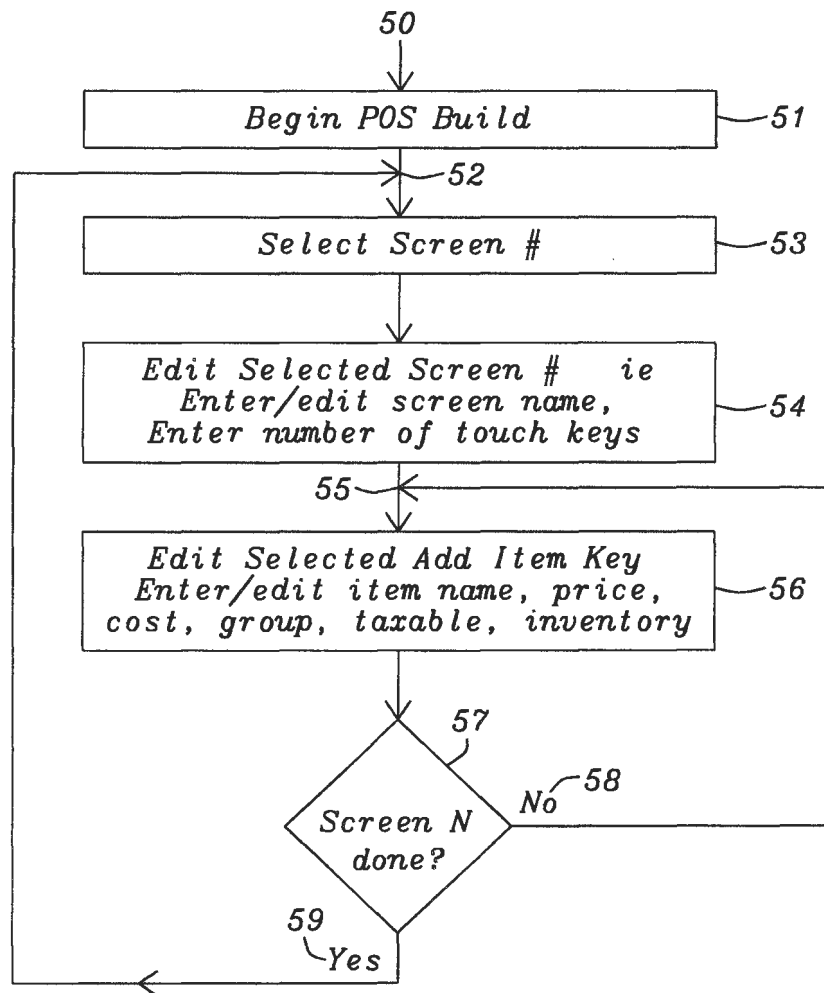


FIG. 5