AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Western District of Texas, Waco Division on the following

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

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
6:21-cv-01102	10/22/2021	Western District of Texas, Waco Division

PLAINTIFF	DEFENDANT
CloudofChange, LLC 7 Mansion St., Suite 215, Poughkeepsie, New York 12601	Lightspeed POS Inc. 700 Saint-Antoine Street East, Suite 300, Montréal, Québec, Canada H2Y 1A6

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	9,400,640	7/26/2016	CloudofChange, LLC
2	10,083,012	9/25/2018	CloudofChange, LLC
3			
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	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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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.	DATE FILED	U.S. DISTRICT COURT
6:19-cv-00513	8/30/2019	Western District of Texas - Waco Division

PLAINTIFF	DEFENDANT
CloudofChange, LLC	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	(BY) DEPUTY CLERK	DATE
Jeannette J. Clack		8/30/2019

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.
12/012,666	07/26/2016	9400640	TY06-004	3905

28112 7590 07/05/2016

SAILE ACKERMAN LLC
28 DAVIS AVENUE
POUGHKEEPSIE, NY 12603

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 897 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;
Quentin Olson, Poulsbo, 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.

Amendments to the Specification:

Change(s) applied to document, /T.C.T/ 6/27/2016

Please amend the paragraph which begins on page ~~6, line 28~~ 8, line 16 as follows.

Figure 3 shows a high level diagram of this invention. ~~Each point of sale (POS) terminal such as POS 31 represents a single cash register in a store, retail location, or business location.~~ 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 ~~the two~~ those shown, as well 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~~ "loose coupling" of the POS to the back office (BO). ~~The~~ 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.

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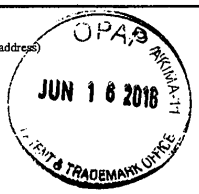
IFW

PART B - FEE(S) TRANSMITTAL

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

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

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



28112 7590 03/29/2016
SAILE ACKERMAN LLC
28 DAVIS AVENUE
POUGHKEEPSIE, NY 12603

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.

Stephen B. Ackerman	(Depositor's name)
	(Signature)
June 13, 2016	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/012,666	02/05/2008	Wayne Baratta	TY06-004	3905

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	SMALL	$480	$0	$0	$480	06/29/2016

06/17/2016 CCHAU2 00000005 190033 12012666
01 FC:2501 480.00 DA
02 FC:8001 12.00 DA

EXAMINER	ART UNIT	CLASS-SUBCLASS
ULLAH MASUD, MOHAMMAD R	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 Saile Ackerman LLC
2 Stephen B. Ackerman
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 4

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 19-0033 (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
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.
☐ Applicant asserting small entity status. See 37 CFR 1.27
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.
☐ Applicant changing to regular undiscounted fee 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 June 13, 2016

Typed or printed name Stephen B. Ackerman Registration No. 37,761

PTOL-85 Part B (10-13) Approved for use through 10/31/2013. OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/012,666	02/05/2008	Wayne Baratta	TY06-004	3905

28112 7590 06/01/2016

SAILE ACKERMAN LLC
28 DAVIS AVENUE
POUGHKEEPSIE, NY 12603

EXAMINER	
ULLAH MASUD, MOHAMMAD R	

ART UNIT	PAPER NUMBER
3687	

MAIL DATE	DELIVERY MODE
06/01/2016	PAPER

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

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

Response to Rule 312 Communication	Application No.	Applicant(s)
	12/012,666	BARATTA ET AL.
	Examiner	Art Unit
	ROKIB MASUD	3687

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

1. ☒ The amendment filed on *26 May 2016* under 37 CFR 1.312 has been considered, and has been:

a) ☒ entered.

b) ☐ entered as directed to matters of form not affecting the scope of the invention.

c) ☐ disapproved because the amendment was filed after the payment of the issue fee.
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☐ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

/ROKIB MASUD/
Primary Examiner, Art Unit 3687

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May 25, 2016

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

FROM: Stephan B. Ackerman, Reg. No. 37,761
28 Davis Avenue
Poughkeepsie, N.Y. 12603

SUBJECT:

Serial #:	12/012,666
File Date:	02/05/2008
Inventor:	Baratta, Wayne
Examiner:	Ullah Masud, Mohammad R
Art Unit:	3687
Title:	Web-Based Point of Sale Builder

AMENDMENT AFTER ALLOWANCE UNDER 37 CFR 1.312

Please amend the above-identified application for patent as follows:

Certificate of EFS-Web Transmission

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office (USPTO) electronic filing system (EFS-Web) to the USPTO on May 26, 2016.

Typed or printed name of person signing this certificate:

Stephen B. Ackerman

Signature: _____ **Date: May 26, 2016**

Registration Number: 37,761

CloudofChange 2024
Clover Network, LLC v. CloudofChange, LLC
IPR2023-00288
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AMENDMENT

Please amend the above-identified application as follows:

Amendments to the Specification begin on page 3 of this paper

Amendments to the Claims begin on page 4 of this paper

Remarks begin on page 9 of this paper.

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Clover Network, LLC v. CloudofChange, LLC
IPR2023-00288
Page 9 of 361

Amendments to the Specification:

Please amend the paragraph which begins on page 6, line 28 as follows.

Figure 3 shows a high level diagram of this invention. ~~Each point of sale (POS) terminal such as POS 31 represents a single cash register in a store, retail location, or business location.~~ 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 ~~the two~~ those shown, as well 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~~ "loose coupling" of the POS to the back office (BO). ~~The~~ 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.

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Amendments to the Claims:

1. (CURRENTLY AMENDED) A web-based point of sale (POS) builder system comprising:

one or more point of sale terminals, ~~which~~ that display POS screens,

an internet connection from said one or more point of sale terminals to a web server,

one or more local or remote PC workstations, and

point of sale builder software ~~which~~ that runs on said web server,

wherein said local or remote workstations are utilized to build or edit said POS 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 terminals access and repeatedly interact with said web server software from said vendor's remote servers, in order to perform the subscriber's desired terminal function, over a network, wherein the network comprises the Internet.

2. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein said POS terminals are implemented with personal computer (PC) architecture.

3. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein use of said builder requires no special training.

4. (PREVIOUSLY PRESENTED) The web-based point of sale (POS) builder system of claim 1 wherein the testing of said POS screens is done iteratively in real time while said POS terminals are simultaneously in use during store and business operation hours.

5. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein no

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specialized hardware or software is required to implement said POS builder, and wherein no on site, in-store server is required.

6. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein said POS builder is useable to deliver POS application solutions using software as a subscription (SAAS).

7. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 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 resides in and is executed from said web server.

8. (PREVIOUSLY PRESENTED) The web-based point of sale (POS) builder system of claim 1 wherein said POS builder adds new POS screens.

9. (PREVIOUSLY PRESENTED) The web-based point of sale (POS) builder system of claim 1 wherein said POS builder edits existing POS screens.

10. (PREVIOUSLY PRESENTED) The web-based point of sale (POS) builder system of claim 1 wherein said POS builder specifies and displays the number, shape and arrangement of selection keys or buttons on said POS screens.

11. (PREVIOUSLY PRESENTED) The web-based point of sale (POS) builder system of claim 1 wherein said POS builder adds items to be associated with said keys or buttons.

12. (PREVIOUSLY PRESENTED) The web-based point of sale (POS) builder system of claim 11 wherein said POS builder assigns attributes such as item name, price, cost, group, taxable and inventory status to said items.

13. (ORIGINAL) The web-based point of sale (POS) builder system of claim 12 wherein

said attributes are stored, retrievable and changeable from a back office database stored on said web server.

14. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1, wherein said POS screens are viewable in real-time at remote locations anywhere in the world via personal computers with browser based web access.

15. (PREVIOUSLY PRESENTED) A method of providing a web-based point of sale (POS) builder system comprising the steps of:

providing one or more point of sale terminals, which display POS screens,

providing an internet connection from said one or more point of sale terminals to a web server,

providing one or more local or remote PC workstations, and

providing point of sale builder software which runs on said web server,

wherein said local or remote workstations is utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web,

wherein said web servers is 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 terminals access and repeatedly interact with said web server software from said vendor's remote servers, in order to perform the subscriber's desired terminal function, over a network, wherein the network comprises the Internet.

16. (PREVIOUSLY PRESENTED) The method of providing a web-based point of sale (POS) builder system of claim 15 wherein said POS terminals are implemented with personal computer (PC) architecture.

17. (PREVIOUSLY PRESENTED) The method of providing a web-based point of sale (POS) builder system of claim 15 wherein use of said builder requires no special training.

18. (PREVIOUSLY PRESENTED) The method of providing a web-based point of sale (POS) builder system of claim 15 wherein the testing of said POS screens is done

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iteratively in real time while said POS terminals are simultaneously in use during store and business operation hours.

19. (PREVIOUSLY PRESENTED) The method of providing a web-based point of sale (POS) builder system of claim 15 wherein no specialized hardware or software is required to implement said POS builder, and wherein no on site, in-store server is required.

20. (PREVIOUSLY PRESENTED) The method of providing a web-based point of sale (POS) builder system of claim 15 wherein said POS builder is useable to deliver POS application solutions using software as a subscription (SAAS).

21. (PREVIOUSLY PRESENTED) The method of providing a web-based point of sale (POS) builder system of claim 15 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 resides in and is executed from said web server.

22. (PREVIOUSLY PRESENTED) The method of providing a web-based point of sale (POS) builder system of claim 15 wherein said POS builder adds new POS screens.

23. (PREVIOUSLY PRESENTED) The method of providing a web-based point of sale (POS) builder system of claim 15 wherein said POS builder edits existing POS screens.

24. (PREVIOUSLY PRESENTED) The method of providing a web-based point of sale (POS) builder system of claim 15 wherein said POS builder specifies and displays the number, shape and arrangement of selection keys or buttons on said POS screens.

25. (PREVIOUSLY PRESENTED) The method of providing a web-based point of sale (POS) builder system of claim 15 wherein said POS builder adds items to be associated with said keys or buttons.

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26. (PREVIOUSLY PRESENTED) The method of providing a web-based point of sale (POS) builder system of claim 25 wherein said POS builder assign attributes such as item name, price, cost, group, taxable and inventory status to said items.

27. (PREVIOUSLY PRESENTED) The method of providing a web-based point of sale (POS) builder system of claim 26 wherein said attributes are stored, retrievable and changeable from a back office database stored on said web server.

28. (ORIGINAL) The method of providing web-based point of sale (POS) builder system of claim 15, wherein said POS screens are viewable in real-time at remote locations anywhere in the world via personal computers with browser based web access.

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REMARKS

The Examiner is asked to consider the above minor amendments for the subject application.

In the specification, it was realized upon a review by the Applicant, that a portion of the description of Fig. 3 was not quite consistent with what is shown in the drawing, specifically the description of POS terminals and stores 31 and 32. The description and Fig. 3 are now more complete and consistent with one another. No new matter is being added. Later in the same paragraph, a minor change was made to clarify that "loose coupling" is being defined.

In the claims, a grammatical change is being made, simply to change two instances of "which" to "that" in Claim 1.

The above changes are believed necessary for proper disclosure or protection of the invention, and to require no substantial amount of additional work on the part of the Office.

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It is requested that should there be any problems with this Amendment, please call the undersigned Attorney at (845) 452-5863.

Respectfully submitted,



Stephen B. Ackerman, Reg. No, 37,761

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Clover Network, LLC v. CloudofChange, LLC
IPR2023-00288
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Electronic Acknowledgement Receipt	
EFS ID:	25893904
Application Number:	12012666
International Application Number:	
Confirmation Number:	3905
Title of Invention:	Web-based point of sale builder
First Named Inventor/Applicant Name:	Wayne Baratta
Customer Number:	28112
Filer:	Stephen Blair Ackerman/Kelly Dandar
Filer Authorized By:	Stephen Blair Ackerman
Attorney Docket Number:	TY06-004
Receipt Date:	26-MAY-2016
Filing Date:	05-FEB-2008
Time Stamp:	12:35:24
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		TY06-004_Amendment_After_Allowance.pdf	1470937 45044a51a5196446ac7f20ca8a6b5252bbe1e7b1	yes	10

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment after Notice of Allowance (Rule 312)	1	2
	Specification	3	3
	Claims	4	8
	Applicant Arguments/Remarks Made in an Amendment	9	10
Warnings:			
Information:			
	Total Files Size (in bytes):	1470937	

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.

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

28112 7590 03/29/2016

SAILE ACKERMAN LLC
28 DAVIS AVENUE
POUGHKEEPSIE, NY 12603

EXAMINER
ULLAH MASUD, MOHAMMAD R

ART UNIT	PAPER NUMBER
3687	

DATE MAILED: 03/29/2016

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/012,666	02/05/2008	Wayne Baratta	TY06-004	3905

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	SMALL	$480	$0	$0	$480	06/29/2016

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

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.

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PART B - FEE(S) TRANSMITTAL

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

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

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

28112 7590 03/29/2016
SAILE ACKERMAN LLC
28 DAVIS AVENUE
POUGHKEEPSIE, NY 12603

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.
12/012,666	02/05/2008	Wayne Baratta	TY06-004	3905

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	SMALL	$480	$0	$0	$480	06/29/2016

EXAMINER	ART UNIT	CLASS-SUBCLASS
ULLAH MASUD, MOHAMMAD R	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 — 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.
- ❑ Applicant asserting small entity status. See 37 CFR 1.27 — 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.
- ❑ Applicant changing to regular undiscounted fee 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. _____

PTOL-85 Part B (10-13) Approved for use through 10/31/2013. OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/012,666	02/05/2008	Wayne Baratta	TY06-004	3905

28112 7590 03/29/2016

SAILE ACKERMAN LLC
28 DAVIS AVENUE
POUGHKEEPSIE, NY 12603

EXAMINER	
ULLAH MASUD, MOHAMMAD R	
ART UNIT	PAPER NUMBER
3687	

DATE MAILED: 03/29/2016

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

PTOL-85 (Rev. 02/11)

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 12/012,666	Applicant(s) BARATTA ET AL.	
	Examiner ROKIB MASUD	Art Unit 3687	AIA (First Inventor to File) Status No

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

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *Appeal Board's Decision mailed on December 21, 2015*.
   ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on_____.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are *1-28*. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov .
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   Certified copies:

   a) ☐ All b) ☐ Some *c) ☐ None of the:
   1. ☐ Certified copies of the priority documents have been received.
   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
   3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
4. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
5. ☒ Examiner's Amendment/Comment
6. ☒ Examiner's Statement of Reasons for Allowance
7. ☐ Other _____.

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DETAILED ACTION

This Office Action responds to the Decision of the Board of Appeal mailed on December 21, 2015.

Prosecution History Summary

- Claims 1-28 are pending in the application.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to the applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Stephen B. Ackerman (Ph: 845-452-5863) on March 28, 2016.

The application has been amended as follows:

In the claims

The claims 1-28 filed on January 26, 2012 are considered as the base line.

Additionally, **claims 1, 4, 8-12, 15, 18 and 22-26 have been amended** as follows:

Claim 1 recites:

1. (Currently Amended) A web-based point of sale (POS) builder system comprising:

one or more point of sale terminals, which display POS screens,

an internet connection from said one or more point of sale terminals to a web server,

one or more local or remote PC workstations, and

point of sale builder software which runs on said web server,

wherein said local or remote workstations are utilized to build or edit said POS 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 terminals access and repeatedly interact with said web server software from said vendor's remote servers, in order to perform the subscriber's desired terminal function, over a network, wherein the network comprises the Internet.

Claim 4 recites:

4. (Currently Amended) The web-based point of sale (POS) builder system of claim 1 wherein the testing of said POS screens is done iteratively in real time while said POS terminals are simultaneously in use during store and business operation hours.

Claim 8 recites:

8. (Currently Amended) The web-based point of sale (POS) builder system of claim 1 wherein said POS builder adds new POS screens.

Claim 9 recites:

9. (Currently Amended) The web-based point of sale (POS) builder system of claim 1 wherein said POS builder edits existing POS screens.

Claim 10 recites:

10. (Currently Amended) The web-based point of sale (POS) builder system of claim 1 wherein said POS builder specifies and displays the number, shape and arrangement of selection keys or buttons on said POS screens.

Claim 11 recites:

11. (Currently Amended) The web-based point of sale (POS) builder system of claim 1 wherein said POS builder adds items to be associated with said keys or buttons.

Claim 12 recites:

12. (Currently Amended) The web-based point of sale (POS) builder system of claim 11 wherein said POS builder assigns attributes such as item name, price, cost, group, taxable and inventory status to said items.

Claim 15 recites:

15. (Currently Amended) A method of providing a web-based point of sale (POS) builder system comprising the steps of:

providing one or more point of sale terminals, which display POS screens,

providing an internet connection from said one or more point of sale terminals to a web server,

providing one or more local or remote PC workstations, and

providing point of sale builder software which runs on said web server,

wherein said local or remote workstations is utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web,

wherein said web servers is 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 terminals access and repeatedly interact with said web server software from said vendor's remote servers, in order to perform the subscriber's desired terminal function, over a network, wherein the network comprises the Internet.

Claim 18 recites:

18. (Currently Amended) The method of providing a web-based point of sale (POS) builder system of claim 15 wherein the testing of said POS screens is done iteratively in real time while said POS terminals are simultaneously in use during store and business operation hours.

Claim 22 recites:

22. (Currently Amended) The method of providing a web-based point of sale (POS) builder system of claim 15 wherein said POS builder adds new POS screens.

Claim 23 recites:

23. (Currently Amended) The method of providing a web-based point of sale (POS) builder system of claim 15 wherein said POS builder edits existing POS screens.

Claim 24 recites:

24. (Currently Amended) The method of providing a web-based point of sale (POS) builder system of claim 15 wherein said POS builder specifies and displays the number, shape and arrangement of selection keys or buttons on said POS screens.

Claim 25 recites:

25. (Currently Amended) The method of providing a web-based point of sale (POS) builder system of claim 15 wherein said POS builder adds items to be associated with said keys or buttons.

Claim 26 recites:

26. (Currently Amended) The method of providing a web-based point of sale (POS) builder system of claim 25 wherein said POS builder assign attributes such as item name, price, cost, group, taxable and inventory status to said items.

Allowance

Claims 1-28 are allowed.

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 said local or remote workstations are utilized to build or edit said POS 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 terminals access and repeatedly interact with said web server software from said vendor's remote servers, in order to perform the subscriber's desired terminal function, over a network, which is not found in the prior art of records. Independent claim 15 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 MONDAY TO THURSDAY 9.00 AM TO 5.00 PM (EASTERN TIME).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW S. GART can be reached on (571)272-3955. 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

Notice of References Cited	Application/Control No. 12/012,666	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-2004/0181454 A1	09-2004	Manno, Michael	G06Q20/20	705/21
*	B	US-2005/0021409 A1	01-2005	Michaud, Gene R. JR.	G06Q20/20	705/16
*	C	US-2008/0077872 A1	03-2008	Zeevi; Dani	G06F3/0481	715/762
*	D	US-2004/0128199 A1	07-2004	Cusack, Bob	G06Q30/06	705/16
	E	US-				
	F	US-				
	G	US-				
	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	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.

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12012666	BARATTA ET AL.
	Examiner	Art Unit
	MOHAMMAD R ULLAH MASUD	3687

CPC- SEARCHED		
Symbol	Date	Examiner
G 06Q30/00; G 06Q 20/00	3/10/2016	M. R. U.

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
235	375, 383, 385	12/ 24/ 2008	M. R. U.
348	61, 143, 148, 150	12/ 24/ 2008	M. R. U.
705	1, 16, 17, 21, 22, 28, 54	12/ 24/ 2008	M. R. U.
348	12, 150, 161	6/24/2009	M. R. U.
705	22, 28, 35	6/24/2009	M. R. U.
235	375, 379, 383	4/23/2010	M. R. U.
705	1,16, 21, 22, 28, 54	4/23/2010	M. R. U.
235	375, 379, 383	9/25/2010	M. R. U.
705	1,16, 21, 22, 28, 54	9/25/2010	M. R. U.
235	375, 379, 383	5/7/2011	M. R. U.
705	1,16, 21, 22, 28, 54	5/7/2011	M. R. U.
235	375, 379, 383	9/12/2011	M. R. U.
705	1,16, 21, 22, 28, 54	9/12/2011	M. R. U.
235	375, 379, 383	4/23/2012	M. R. U.
705	1,16, 21, 22, 28, 54	4/23/2012	M. R. U.
705	16, 21	3/10/2016	M. R. U.

SEARCH NOTES		
Search Notes	Date	Examiner
EAST	12/ 24/ 2008	M. R. U.
GOOGLE	12/ 24/ 2008	M. R. U.
IDS	12/ 24/ 2008	M. R. U.
NPL	12/ 24/ 2008	M. R. U.

SEARCH NOTES		
Search Notes	**Date**	**Examiner**
EAST, GOOGLE PATENT, IDS, PLUS SEARCH	6/24/2009	M. R. U.
EAST, GOOGLE PATENT, IDS, PLUS SEARCH	4/23/2010	M. R. U.
EAST, GOOGLE PATENT, IDS, PLUS SEARCH	9/25/2010	M. R. U.
EAST, GOOGLE PATENT, IDS, PLUS SEARCH	5/7/2011	M. R. U.
EAST, GOOGLE PATENT, IDS, PLUS SEARCH	9/12/2011	M. R. U.
EAST, GOOGLE PATENT, IDS, PLUS SEARCH	4/23/2012	M. R. U.
EAST, GOOGLE PATENT, NPL, IDS	3/10/2016	M. R. U.

INTERFERENCE SEARCH			
US Class/ CPC Symbol	**US Subclass / CPC Group**	**Date**	**Examiner**

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12012666	BARATTA ET AL.
	Examiner	**Art Unit**
	ROKIB ULLAH MASUD	3687

CPC						
Symbol					**Type**	**Version**
G06F		8	/	34	F	2013-01-01
G06Q		30	/	06	I	2013-01-01
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CPC Combination Sets							
Symbol					**Type**	**Set**	**Ranking**	**Version**
			/					
			/					

NONE		**Total Claims Allowed:**	
(Assistant Examiner)	(Date)	28	
/ROKIB MASUD/ Primary Examiner.Art Unit 3687	3/28/2016	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	3

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12012666	BARATTA ET AL.
	Examiner	**Art Unit**
	ROKIB ULLAH MASUD	3687

US ORIGINAL CLASSIFICATION		INTERNATIONAL CLASSIFICATION										
CLASS	SUBCLASS	CLAIMED					NON-CLAIMED					
705	28	G	0	6	Q	10 / 00 (2012.01.01)						

CROSS REFERENCE(S)					
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)				
705	27.1				

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	28	
/ROKIB MASUD/ Primary Examiner.Art Unit 3687	3/28/2016	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	3

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12012666	BARATTA ET AL.
	Examiner	**Art Unit**
	ROKIB ULLAH MASUD	3687

☒ **Claims renumbered in the same order as presented by applicant** ☐ **CPA** ☐ **T.D.** ☐ **R.1.47**

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original

NONE (Assistant Examiner)	(Date)	**Total Claims Allowed:** 28	
/ROKIB MASUD/ Primary Examiner.Art Unit 3687 (Primary Examiner)	3/28/2016 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 3

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Clover Network, LLC v. CloudofChange, LLC
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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 (subscriptS4 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	("20070055943").PN.	US-PGPUB; USPAT;	OR	OFF	2016/03/16 16:32

			USOCR			
S11	2	(("20070055943") or ("20090183098")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/16 18:43
S12	1	("7267777").PN.	USPAT; USOCR	OR	OFF	2016/03/16 18:49
S13	1	("7266777").PN.	USPAT; USOCR	OR	OFF	2016/03/16 18:49
S14	2	(("7266777") or ("20060050142")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/16 18:53
S15	0	("20080077872").PN.	USPAT; USOCR	OR	OFF	2016/03/16 19:46
S16	1	("20080077872").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/16 19:46
S17	2	(("20080077872") or ("20040128199")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/16 20:12

3/16/2016 10:26:22 PM
C:\Users\mullahmasud\Documents\EAST\Workspaces\12012666 Web Based Point of Sale.wsp

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/012,666	02/05/2008	Wayne Baratta	TY06-004	3905

28112 7590 12/21/2015

SAILE ACKERMAN LLC
28 DAVIS AVENUE
POUGHKEEPSIE, NY 12603

EXAMINER	
ULLAH MASUD, MOHAMMAD R	

ART UNIT	PAPER NUMBER
3687	

MAIL DATE	DELIVERY MODE
12/21/2015	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte WAYNE BARATTA and QUENTIN OLSON

Appeal 2013-002915
Application 12/012,666
Technology Center 3600

Before JOSEPH A. FISCHETTI, NINA L. MEDLOCK, and SCOTT C. MOORE, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 from the final rejection of claims 1–28, which are all of the pending claims.[1] We have jurisdiction under 35 U.S.C. § 6.

We reverse.

[1] Appellants state that the real parties in interest are the inventors, Wayne Beratta and Quentin Olson. Appeal Br. 3.

Claimed Subject Matter

The claims are directed to a web-based point of sale builder. Claims 1 and 15 are the independent claims on appeal. Claim 1, reproduced below, is illustrative of the claimed subject matter:

> 1. A web-based point of sale (POS) builder system 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,
>
> wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web, wherein said web servers can be 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 terminals access and repeat[ed]ly interact with said web server software from said vendor's remote servers, in order to perform the subscriber's desired terminal function, over a network, typically the Internet.

References and Rejections

The Examiner relies on the following references in rejecting the claims on appeal:

Kenner	US 5,956,716	Sept. 21, 1999
Sullivan	US 7,015,945 B1	Mar. 21, 2006

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Claims 1–28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sullivan and Kenner. Final Act. (mailed Apr. 25, 2012).

ANALYSIS

The Examiner finds that Sullivan discloses "point of sale [POS] terminals" and "local or remote workstations [that] can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web," as recited by claims 1 and 15. Final Act. 3. In particular, the Examiner finds that clients 12 of Sullivan correspond to the claimed POS terminals, and that servers 20 of Sullivan correspond to the claimed local or remote workstations. *See* Final Act. 3 (citing Sullivan Fig. 1; col. 2:53–3:20, 3:44–46, 58–62); *see also* Ans. 4 ("[T]he user of server 20 . . . [can] edit POS terminals clients 12 in real time from anywhere in the world and over the worldwide web.") The Examiner also finds that the "database management system and graphical interface" of servers 20, which can "display, select, analyze, and report on financial transactions occurring at clients 12," permits the POS terminals of Sullivan to be edited in real time. Ans. 3 (emphasis omitted).

Appellants argue that the cited portions of Sullivan do not teach or suggest a "point of sale builder software which runs on said web server, wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web," as required by claim 1. Appeal Br. 7. In particular, Appellants contend that Sullivan's description of selecting, analyzing, and reporting of financial transactions "is not equivalent to the more complex

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creation and changing of POS functions in real time of the instant application. *Id*. at 8. Appellants' argument is persuasive.

The portions of Sullivan cited in the Final Action describe the "remote monitoring and analysis of financial transactions" by way of "a database management system and a graphical interface [that can be used] to display, select, analyze, and report on financial transactions occurring at clients 12." *See* Sullivan 3:5–10; 57–62. This "database management system and graphical interface" operates on the data maintained in "database 18." *See id*. Database 18 is maintained by servers 20 (i.e., the workstations of claim 1), not clients 12 (i.e., the POS terminals). *See id*. Fig. 1, col. 2:58–61. Thus, the cited portions of Sullivan do not describe editing of data maintained by clients 12, nor has the Examiner shown how Sullivan capable of performing such function. *See In re Schreiber*, 128 F.3d 1473, 1477–78 (Fed. Cir. 1997).

In the Answer, the Examiner finds as follows:

> [C]olumn 3 lines 5–10 of Sullivan states that "System 10 contemplates any association or arrangement of clients 12 and **servers 20 to accomplish remote monitoring** and analysis of financial transactions". Also in column 8 line 67–column 9 line 4 Sullivan states that "**the user of server 20** may request summary statistics, print information, run predefined reports, or **perform any other function** on data 82 displayed in table 120 or maintained as digital files 14 in database 18". In column 8 line 42–52 Sullivan discloses that the **function include editing** stating "Graphical interface 116 also **highlights** particular entries 124 with associated video 72 and optional audio 74 at step 412". Sullivan also discloses "Each entry 122 includes all or a portion of data 82 generated by POS 78 or ATM 80 at client 12. **Highlighted entries 124 may be emphasized by shading, font changes, color differences, or other**

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> **appropriate technique** to indicate the existence of associated video and/or audio" in lines 29–35 of column 6. Sullivan also discloses that these above mentioned functions **edit the POS terminal clients 112** stating "In this manner, table 120 provides data 82 on associated financial transactions, and also conveys visually those financial transactions associated **with particular defined exception conditions 84 at clients 12"** in lines 41–44 of column 6 and lines 44–46 of column 3 discloses that the communication happen in **real time.**

Ans. 3–4. However, the data described in the cited portions of Sullivan are data "displayed in table 120 or maintained as digital files 14 in database 18," i.e., data maintained by servers 20. *See* Sullivan col. 2:58–61, 3:5–10. Graphical interface 116—which displays table 120, entries 122, and highlighted entries 124—is also located at server 20. *See* Sullivan 6:12–31. The cited portions of Sullivan do not describe editing of data maintained by clients 12 (i.e., the POS terminals), nor has the Examiner shown how the servers are capable of performing the recited function. *See Schreiber*, 128 F.3d at 1477–78. Thus, the Examiner's rejection of independent claims 1 and 15 is not adequately supported.

Each of claims 2–14 and 16–28 depends from either claim 1 or claim 15, and the Examiner's rejection of these dependent claims is deficient for the same reasons discussed above with respect to claims 1 and 15. Thus, we do not sustain the Examiner's rejection of claims 1–28.

DECISION

For the foregoing reasons, we reverse the Examiner's decision rejecting claims 1–28.

REVERSED

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/012,666	02/05/2008	Wayne Baratta	TY06-004	3905

28112 7590 01/04/2013

SAILE ACKERMAN LLC
28 DAVIS AVENUE
POUGHKEEPSIE, NY 12603

EXAMINER	
ULLAH MASUD, MOHAMMAD R	
ART UNIT	**PAPER NUMBER**
3687	
MAIL DATE	**DELIVERY MODE**
01/04/2013	PAPER

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PTOL-90A (Rev. 04/07)

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SAILE ACKERMAN LLC
28 DAVIS AVENUE
POUGHKEEPSIE, NY 12603

Appeal No: 2013-002915
Application: 12/012,666
Appellant: Wayne Baratta et al.

Patent Trial and Appeal Board Docketing Notice

Application 12/012,666 was received from the Technology Center at the Board on December 31, 2012 and has been assigned Appeal No: 2013-002915.

In all future communications regarding this appeal, please include both the application number and the appeal number.

The mailing address for the Board is:

PATENT TRIAL and APPEAL BOARD
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VIRGINIA 22313-1450

The facsimile number of the Board is 571-273-0052. Because of the heightened security in the Washington D.C. area, facsimile communications are recommended. Telephone inquiries can be made by calling 571-272-9797 and referencing the appeal number listed above.

By order of the Patent Trial and Appeal Board.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/012,666	02/05/2008	Wayne Baratta	TY06-004	3905

28112 7590 09/26/2012

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EXAMINER	
ULLAH MASUD, MOHAMMAD R	
ART UNIT	**PAPER NUMBER**
3687	
MAIL DATE	**DELIVERY MODE**
09/26/2012	PAPER

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

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 12/012,666
Filing Date: February 05, 2008
Appellant(s): BARATTA ET AL.

Stephen B. Ackerman
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 15, 2012 appealing from the Office action mailed April 25, 2012.

Every ground of rejection set forth in the Office action dated April 25, 2012 from which the appeal is taken is being maintained by the examiner except for the ground of rejection listed under the subheading "WITHDRAWN REJECTIONS". New grounds of rejection are provided under the subheading "NEW GROUND OF REJECTION".

Response to Argument

With respect to the independent claims, appellant argues that "Sullivan does not perform the instant application's claim 1, "point of sale builder software which runs on said web server, wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web"".

Examiner notes that in lines 58-62 of column 3 Sullivan discloses that "**Server 20 includes a database management system and a graphical interface** to display, select, analyze, and report on financial transactions occurring at clients 12 that correspond to digital files 14 maintained in database 18". Here the database management system which is point of sale builder runs on web server 20.

Examiner notes that in column 3 lines 5-10 of Sullivan states that "System 10 contemplates any association or arrangement of clients 12 and **servers 20 to accomplish remote monitoring** and analysis of financial transactions". Also in column 8 line 67- column 9 line 4 Sullivan states that "**the user of server 20** may request summary statistics, print information, run predefined reports, or **perform any other function** on data 82 displayed in table 120 or maintained as digital files 14 in database 18". In column 8 line 42-52 Sullivan discloses that the **function include editing** stating "Graphical interface 116 also **highlights** particular entries 124

with associated video 72 and optional audio 74 at step 412". Sullivan also discloses "Each entry 122 includes all or a portion of data 82 generated by POS 78 or ATM 80 at client 12. **Highlighted entries 124 may be emphasized by shading, font changes, color differences, or other appropriate technique** to indicate the existence of associated video and/or audio" in lines 29-35 of column 6. Sullivan also discloses that these above mentioned functions **edit the POS terminal clients 112** stating "In this manner, table 120 provides data 82 on associated financial transactions, and also conveys visually those financial transactions associated **with particular defined exception conditions 84 at clients 12**" in lines 41-44 of column 6 and lines 44-46 of column 3 discloses that the communication happen in **real time**. Also in lines 12-20 of column 3 discloses the network to perform the function from anywhere in the world and over the worldwide web internet.

In a summary, Sullivan discloses the database management system which is point of sale builder runs on web server 20 and the user of the server 20 using any remote workstation of graphical interface 116 edit POS terminals clients 12 in real time from anywhere in the world and over the worldwide web.

With respect to the above mentioned limitation, examiner also notes that appellant has claimed "wherein said local ***or*** remote workstations can be utilized to build ***or*** edit said POS terminals in real time" (emphasis added). Examiner also notes that since applicant did not clarify in the claim what the function **"edit"** consists of, it was given ordinary meaning for prior art rejection.

Appellant argues that "Sullivan in view of Kenner does not suggest or make obvious the software as a subscription limitation of the instant application".

Examiner notes that in abstract lines 25 – 29 Kenner discloses that the subscription management mechanisms and in lines 16-21 discloses that it can be provided to subscriber's computer from remoter servers via the internet and column 10 lines 33-57 discloses that software resides and is hosted in vendors remote servers.

Appellant also argues that "Applicant still maintains that the instant **claim 1 clause which states** *"wherein said POS terminals are implemented, changed or customized for different business applications by modifying POS screen layouts, price lists, item lists, key functions, promotions or general POS functions,"* is not suggested by Sullivan's column 2 line 62 to column 3 line 2 as stated by the examiner".

Examiner respectfully notes that the above mentioned clause *"wherein said POS terminals are implemented, changed or customized for different business applications by modifying POS screen layouts, price lists, item lists, key functions, promotions or general POS functions,"* ***is not claimed*** (emphasis added).

With respect to the rejections of the dependent claims, examiner notes no additional remarks or arguments besides those described above.

The dependent claims depend on the independent claims and are also rejected.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/R. M./
Examiner, Art Unit 3687
September 20, 2012

/Matthew S Gart/
Supervisory Patent Examiner, Art Unit 3687

Conferees:

/Matthew S Gart/
Supervisory Patent Examiner, Art Unit 3687

/Vincent Millin/

Appeals Practice Specialist

OPAP W30
AUG 15 2012
PATENT & TRADEMARK OFFICE

TY06-004 12/012,666

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AF

August 6, 2012

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

FROM: Stephen B. Ackerman, Reg. No. 37,761
28 Davis Ave.
Poughkeepsie, NY 12603

SUBJECT:

Serial #:	12/012,666
File Date:	02/05/2008
Inventor:	Wayne Baratta
Title:	WEB-BASED POINT OF SALE BUILDER
Art Unit:	3687
Examiner:	Mohammad R. Ullah Masud

APPEAL BRIEF

Dear Sir:

In response to the Final Rejection of Claims 1-28 in the Office Action dated April 25, 2012 for the above identified Application for Patent please accept this Appeal Brief.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450 on August 13, 2012.

Signature  Date: August 13, 2012

Name Stephen B. Ackerman

08/16/2012 CCHAU1 00000009 190033 12012666
01 FC:2402 310.00 DA

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The Commissioner is hereby authorized to charge payment of the fee of $310.00 associated with this communication to Deposit Account No. 19-0033.

With Best Regards,

Stephen B. Ackerman, Reg. No. 37,761

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REAL PARTY IN INTEREST

The real parties in interest are the inventors, Wayne Beratta and Quentin Olson.

RELATED APPEALS AND INTERFERENCES

Related application 12/012393, filed Feb. 1, 2008, is currently on Appeal and is related to the instant application.

Related application 11/710722, filed Feb. 26, 2007, is currently on Appeal and is related to the instant application.

Related application 11/710723, filed Feb. 26, 2007, is currently on Appeal and is related to the instant application.

STATUS OF THE CLAIMS

Claims 1-28 are pending in the Patent Application and have been rejected. This appeal is to the rejection of Claims 1-28. The Claims Appendix has a Listing of the Claims in numerical sequence.

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STATUS OF THE AMENDMENTS

No amendments have been filed subsequent to the final rejection and there are no amendments pending.

SUMMARY OF THE CLAIMED SUBJECT MATTER

INDEPENDENT CLAIMS:

1. A web-based point of sale (POS) builder system

comprising:

one or more point of sale terminals, which display POS screens (Figures 1 and 2, as described on page 6 line 5 to page 8 line 2),

an internet connection to a web server (Fig.3, as described on page 7 line 4, page 8 line 22, page 10 lines 6, 12, and page 14 line 11),

one or more local or remote PC workstations (Fig.3 as described on page 8 lines 16-25), and

point of sale builder software which runs on said web server (Figures 4a, 4b and 5 as described on page 11 line 8 to page 13 line 2),

wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web,

wherein said web servers can be provided as a vendor subscription service wherein web server software resides and is hosted on said vendor's remote servers and wherein

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subscriber company's POS terminals access and repeatly interact with said web server software from said vendor's remote servers, in order to perform the subscriber's desired terminal function, over a network, typically the Internet.

15. A method of providing a web-based point of sale (POS) builder system comprising the steps of:

providing one or more point of sale terminals, which display POS screens (Figures 1 and 2, as described on page 6 line 5 to page 8 line 2),

providing an internet connection to a web server (Fig.3, as described on page 7 line 4, page 8 line 22, page 10 lines 6, 12, and page 14 line 11),

providing one or more local or remote PC workstations (Fig.3 as described on page 8 lines 16-25) , and

providing point of sale builder software which runs on said web server (Figures 4a, 4b and 5 as described on page 11 line 8 to page 13 line 2) ,

wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web,

wherein said web servers can be 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 terminals access and repeatly interact with said web server software from said vendor's remote servers, in order to perform the subscriber's desired terminal function, over a network, typically the Internet.

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GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether Claims 1-28 are unpatentable under 35 USC 103(a) over Sullivan (US 7,015,945), in view of Kenner et al. (US 5,956,716).

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ARGUMENT

Applicant requests reversal of the rejection of Claims 1-28 under 35 USC 103(a) as being unpatentable over Sullivan (US 7,015,945), in view of Kenner et al. (US 5,956,716), based on the following.

Claims 1-28 describe 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 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.

In the reply submitted January 26, 2012, the following points were made. On page 4 of the May 11, 2011 office action, the examiner cites column 3, lines 8-20 of Sullivan. This reference does not mention the instant application's building or editing of POS terminals, which includes the implementation in real time of POS terminals in hardware and software. Sullivan mentions in column 3, lines 8-20, "....to accomplish remote monitoring and analysis of financial transactions". In Sullivan, the "monitoring and analysis" does not equate to the instant application's "building and editing of POS terminals in real time". The instant application utilizes servers and the internet to create

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(build) and change/update (edit) POS terminal characteristics and functions in real time. Sullivan's column 3, lines 44-46, describes the delivery of video surveillance data in real time. This is not equivalent to the more complex changing of POS terminal characteristics in real time in the POS builder function of the instant application. Sullivan's column 3, lines 58-62, describes the selecting, analyzing, and reporting of financial transactions. This is not equivalent to the more complex creation and changing of POS functions in real time of the instant application. Therefore, Sullivan does not perform the instant application's claim 1, "point of sale builder software which runs on said web server, wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web".

The examiner correctly states that Sullivan does not teach the limitation, "wherein said back-office system can be provided as a subscription service and made available to subscriber company's POS terminals from remote servers via the internet". The examiner suggests that invention Kenner et al. in conjunction with Sullivan make the above instant limitation obvious. However, Kenner's invention involves the delivery and download of video clips and the associated subscription management mechanisms. Kenner's subscription management mechanisms refer to **the managing and charging for the bulk delivery of video clips.** This is completely different from the Software as a Service limitation of the instant application. As stated on page 13 of the instant patent application, "Software as a Service (SAAS) is **a software distribution model in which applications are hosted by a vendor or service provider** and made available to

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customers over a network, typically the Internet." The key word above is **"hosted"**. The actual software application resides and is hosted on the vendor's remote servers. This is not related to the bulk download of video clips in Kenner et al. In other words, downloading bulk video clips is not equivalent to hosting active software which performs intelligent and often complex POS functions. The difference between Kenner and the instant application is substantial. It is the difference of Kenner's downloading of static video clips versus the interactive, dynamic implementation of point of sale terminal functions via a software by subscription of the instant application. Therefore, Sullivan in view of Kenner does not suggest or make obvious the software as a subscription limitation of the instant application.

Applicant still maintains that the instant claim 1 clause which states "wherein said POS terminals are implemented, changed or customized for different business applications by modifying POS screen layouts, price lists, item lists, key functions, promotions or general POS functions," is not suggested by Sullivan's column 2 line 62 to column 3 line 2 as stated by the examiner. Sullivan's client 12 refers to various devices such as cash registers, ATMs or other financial transaction devices. On the other hand, the POS terminals in the instant claim 1 clause refer to POS terminals of different appearances all generated by software on a PC screen. Sullivan works with and connects existing client terminals. Sullivan is a hardware connection scheme, not a software implementation of POS clients as in the instant application. Instant independent claim 1 is shown below.

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1. A web-based point of sale (POS) builder system
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,
wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web, wherein said web servers can be 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 terminals access and repeatly interact with said web server software from said vendor's remote servers, in order to perform the subscriber's desired terminal function, over a network, typically the Internet.

In summary, Sullivan and Kenner do not contain the software subscription model claimed wherein the web server software resides in and is hosted by the vendor's remote servers as stated in the amended independent claims. Therefore, the instant application is not obvious with respect to Sullivan and Kenner and reconsideration of the above rejection of independent claims 1 and 15 is respectfully requested.

Dependent claims 2-14 and 16-28 which depend on independent claims 1 and 15 respectively, which are believed patentable for the reasons given above, are also believed to be unobvious compared to the cited art, and so should be allowed. Reconsideration of the above rejection is therefore respectfully requested.

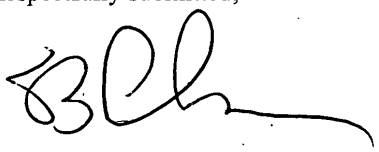
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SUMMARY

It is believed that Claims 1-28 distinguish patentability from the references and should be allowed.

Applicant requests that the Board of Appeals reverse the final rejection of Claims 1-28 under 35 U.S.C. 103(a) as being unpatentable over Sullivan (US 7,015,945), in view of Kenner et al. (US 5,956,716).

Respectfully submitted,



Stephen B. Ackerman, Reg. No. 37,761

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CLAIMS APPENDIX

Listing of Claims:

1. A web-based point of sale (POS) builder system

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,

wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web, wherein said web servers can be 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 terminals access and repeatly interact with said web server software from said vendor's remote servers, in order to perform the subscriber's desired terminal function, over a network, typically the Internet.

2. The web-based point of sale (POS) builder system of claim 1 wherein said POS terminals are implemented with personal computer (PC) architecture.

3. The web-based point of sale (POS) builder system of claim 1 wherein use of said builder requires no special training.

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4. The web-based point of sale (POS) builder system of claim 1 wherein the testing of said POS screens can be done iteratively in real time while said POS terminals are simultaneously in use during store and business operation hours.

5. The web-based point of sale (POS) builder system of claim 1 wherein no specialized hardware or software is required to implement said POS builder, and wherein no on site, in-store server is required.

6. The web-based point of sale (POS) builder system of claim 1 wherein said POS builder is useable to deliver POS application solutions using software as a subscription (SAAS).

7. The web-based point of sale (POS) builder system of claim 1 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 resides in and is executed from said web server.

8. The web-based point of sale (POS) builder system of claim 1 wherein said POS builder can add new POS screens.

9. The web-based point of sale (POS) builder system of claim 1 wherein said POS builder can edit existing POS screens.

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10. The web-based point of sale (POS) builder system of claim 1 wherein said POS builder can specify and display the number, shape and arrangement of selection keys or buttons on said POS screens.

11. The web-based point of sale (POS) builder system of claim 1 wherein said POS builder can add items to be associated with said keys or buttons.

12. The web-based point of sale (POS) builder system of claim 11 wherein said POS builder can assign attributes such as item name, price, cost, group, taxable and inventory status to said items.

13. The web-based point of sale (POS) builder system of claim 12 wherein said attributes are stored, retrievable and changeable from a back office database stored on said web server.

14. The web-based point of sale (POS) builder system of claim 1, wherein said POS screens are viewable in real-time at remote locations anywhere in the world via personal computers with browser based web access.

15. A method of providing a web-based point of sale (POS) builder system comprising the steps of:

providing one or more point of sale terminals, which display POS screens,

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providing an internet connection to a web server,

providing one or more local or remote PC workstations, and

providing point of sale builder software which runs on said web server,

wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web, wherein said web servers can be 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 terminals access and repeatly interact with said web server software from said vendor's remote servers, in order to perform the subscriber's desired terminal function, over a network, typically the Internet.

16. The method of providing a web-based point of sale (POS) builder system of claim 15 wherein said POS terminals are implemented with personal computer (PC) architecture.

17. The method of providing a web-based point of sale (POS) builder system of claim 15 wherein use of said builder requires no special training.

18. The method of providing a web-based point of sale (POS) builder system of claim 15 wherein the testing of said POS screens can be done iteratively in real time while said POS terminals are simultaneously in use during store and business operation hours.

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19. The method of providing a web-based point of sale (POS) builder system of claim 15 wherein no specialized hardware or software is required to implement said POS builder, and wherein no on site, in-store server is required.

20. The method of providing a web-based point of sale (POS) builder system of claim 15 wherein said POS builder is useable to deliver POS application solutions using software as a subscription (SAAS).

21. The method of providing a web-based point of sale (POS) builder system of claim 15 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 resides in and is executed from said web server.

22. The method of providing a web-based point of sale (POS) builder system of claim 15 wherein said POS builder can add new POS screens.

23. The method of providing a web-based point of sale (POS) builder system of claim 15 wherein said POS builder can edit existing POS screens.

24. The method of providing a web-based point of sale (POS) builder system of claim 15 wherein said POS builder can specify and display the number, shape and arrangement of selection keys or buttons on said POS screens.

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25. The method of providing a web-based point of sale (POS) builder system of claim 15 wherein said POS builder can add items to be associated with said keys or buttons.

26. The method of providing a web-based point of sale (POS) builder system of claim 25 wherein said POS builder can assign attributes such as item name, price, cost, group, taxable and inventory status to said items.

27. The method of providing a web-based point of sale (POS) builder system of claim 26 wherein said attributes are stored, retrievable and changeable from a back office database stored on said web server.

28. The method of providing web-based point of sale (POS) builder system of claim 15, wherein said POS screens are viewable in real-time at remote locations anywhere in the world via personal computers with browser based web access.

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EVIDENCE APPENDIX

None.

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RELATED PROCEEDINGS APPENDIX

None.

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AF
IFW

June 11, 2012

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT

APPEALS AND INTERFERENCES

In re Application of Wayne Baratta, et al
Serial No. 12/012,666
For: Web-Based Point of Sale Builder
Filing Date:February 5, 2008 Group Art Unit 3687
EXAMINER Ullah Masud, Mohammad R

To: Commissioner for Patents

From: Stephen B. Ackerman, Reg. No. 37,761
28 Davis Avenue
Poughkeepsie, N.Y. 12603

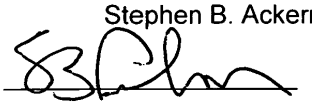
Sir:

Applicants hereby Appeal to the Board of Patent and Interfence Appeals from the decision dated April 25, 2012 of the Examiner's final rejection of Claims 1-28.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 11, 2012.

Stephen B. Ackerman, Reg. No. 37,761

Signature 

Date June 11, 2012

06/14/2012 CCHAU1 00000016 190033 12012666
01 FC:2401 310.00 DA



The Commissioner is hereby authorized to charge payment of the fee of $310 associated with this communication to Deposit Account No. 19-0033.

Respectfully submitted,

Stephen B. Ackerman, Reg. No, 37,761

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/012,666	02/05/2008	Wayne Baratta	TY06-004	3905

28112 7590 04/25/2012

SAILE ACKERMAN LLC
28 DAVIS AVENUE
POUGHKEEPSIE, NY 12603

EXAMINER	
ULLAH MASUD, MOHAMMAD R	
ART UNIT	**PAPER NUMBER**
3687	
MAIL DATE	**DELIVERY MODE**
04/25/2012	PAPER

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

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

PTOL-90A (Rev. 04/07)

Office Action Summary	Application No.	Applicant(s)	
	12/012,666	BARATTA ET AL.	
	Examiner	Art Unit	
	ROKIB MASUD	3687	

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *January 26, 2012*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5)☒ Claim(s) *1-28* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-28* is/are rejected.

8)☒ Claim(s) *1 and 15-27* is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

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

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

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

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DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 26, 2012 has been entered.

Hence, this Office action responds to the arguments filed by applicant on January 26, 2012 in reply to the previous Office action on the merits, mailed September 21, 2011.

Prosecution History Summary

- Claims 1- 28 are pending in the instant application.

Claim Objections

1. Claims 1 and 15-27 filed on January 26, 2012 are objected to because of the following informalities:

The status of claims 1 and 15-27 are presented as "CURRENTLY AMENDED", which appeared to be "Previously Presented". Appropriate correction is required.

Claim Rejections - 35 USC § 103

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

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

2. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan (US 7,015,945) in view of Kenner et al. (US 5,956,716) (hereinafter referred to as Kenner).

With respect to **claims 1, and 15**, Sullivan discloses a similar system, and method of providing, 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 (see, for example, figure 1; column 2 line 53 - column 3 line 20),

one or more local or remote PC workstations (see, for example, figure 1; column 2 line 53- column 3 line 10), and

point of sale builder software which runs on said web server, wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web (see, for example, column 3 lines 5 – 10 discloses building or editing POS terminals also lines 44 – 46 and lines 58 – 62),

Sullivan discloses all the above mentioned limitations and also discloses remote monitoring in figure 1, and in column 2 line 53 – 61, but does not explicitly teach the limitation, wherein said web servers can be 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 terminals access and repeatly interact with said web server software from said vendor's remote servers, , in order to perform the subscriber's desired terminal function.

However, Kenner discloses an invention, wherein said web servers can be 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 terminals access and repeatly interact with said web server software from said vendor's remote servers, in order to perform the subscriber's desired terminal function (see, for example, in abstract lines 25 – 29 Kenner discloses that the subscription management mechanisms and in lines 16-21 discloses that it can be provided to subscriber's computer from remoter servers via the internet and column 10 lines 33-57 discloses that software resides and is hosted in vendors remote servers and column 23 lines 9-24 discloses the repeatedly interaction with web server to perform the subscriber's desired function).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system and method of Sullivan in accordance with the teachings of Kenner, in order to process a point of sale builder system, wherein said web servers can be 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 terminals access said web server software from said vendor's remote servers, in order to perform the subscriber's desired terminal function, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

With respect to **claims 2, and 16**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS terminals are implemented with personal computer (PC) architecture (see, for example, column 2 line 53 - column 3 line 20).

With respect to **claims 3, and 17**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein use of said builder requires no

special training (see, for example, column 1 lines 41-50, Sullivan's system and method is automated, so it does not require special training).

With respect to **claims 4, and 18**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein the testing of said POS screens can be done iteratively in real time while said POS terminals are simultaneously in use during store and business operation hours (see, for example, column 2 line 53-column 3 line 10).

With respect to **claims 5, and 19**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein no specialized hardware or software is required to implement said POS builder, and wherein no on site, in-store server is required (see, for example, column 2 line 53-column 3 line 10).

With respect to **claims 6, and 20**, Sullivan discloses the invention, wherein said POS builder is useable to deliver POS application solutions using software as a subscription (SAAS) (see, for example, figure 6, here steps 300, 302, 304, 306, 308 and 310 are the POS applications that are sent in the following steps).

With respect to **claims 7, and 21**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, 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 resides in and is executed from said web server (see, for example column 2 line 58- column 3 line 27, and column 3 line 58-62).

With respect to **claims 8, and 22**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can add new POS screens (see, for example, column 2 lines 62-66).

With respect to **claims 9, and 23**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can edit existing POS screens (see, for example column 2 line 58- column 3 line 27).

With respect to **claims 10, and 24**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can specify and display the number, shape and arrangement of selection keys or buttons on said POS screens (see, for example column 4 lines 27- 38).

With respect to **claims 11, and 25**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can add items to be associated with said keys or buttons (see, for example, column 2 line 58- column 3 line 2, and column 4 lines 27- 38).

With respect to **claims 12, and 26**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can assign attributes such as item name, price, cost, group, taxable and inventory status to said items (see, for example, column 2 line 58- column 3 line 10).

With respect to **claims 13, and 27**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said attributes are stored, retrievable and changeable from a back office database stored on said web server (see, for example, column 6 lines 4-11, and column 8 line 67- column 9 line 5).

With respect to **claims 14, and 28**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS screens are viewable in

real-time at remote locations anywhere in the world via personal computers with browser based web access (see, for example, column 2 lines 58-61, and column 3 lines 58-62).

Response to Arguments

Applicant's arguments filed on January 26, 2012 have been fully considered but they are not persuasive.

With respect to applicant's arguments regarding independent claims examiner notes that in column 6 lines 29-35 Sullivan discloses "Each entry 122 includes all or a portion of data 82 generated by POS 78 or ATM 80 at client 12. Highlighted entries 124 may be emphasized by shading, font changes, color differences, or other appropriate technique to indicate the existence of associated video and/or audio".

With respect to applicant's argument regarding Kenner reference examiner notes that, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The dependent claims depend on the independent claims and are also rejected.

Examiner notes no other remarks or arguments. Accordingly the rejection remains as is.

Conclusion

This is an RCE application. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS**

ACTION IS MADE FINAL even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROKIB MASUD whose telephone number is (571)270-5390. The examiner can normally be reached on MONDAY TO THURSDAY 9.00 AM TO 5.00 PM (EASTERN TIME).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW S. GART can be reached on (571)272-3955. 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.

/R. M./
Examiner, Art Unit 3687

/Scott A Zare/
Primary Examiner, Art Unit 3687

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	1	("20070150369").PN.	US-PGPUB; USPAT; EPO; JPO	OR	OFF	2011/11/06 22:23
S2	3	(("20070150369") or ("20030200152") or ("20060138219")).PN.	US-PGPUB; USPAT; EPO; JPO	OR	OFF	2011/11/06 22:35
S3	0	travel time shipping cost determine purchase decision	US-PGPUB; USPAT; EPO; JPO	SAME	OFF	2011/11/06 23:08
S4	12	(travel time shipping cost)and (purchas$3 decision)	US-PGPUB; USPAT; EPO; JPO	SAME	OFF	2011/11/06 23:08
S5	3	(("7124937") or ("20080010215") or ("20080114481")).PN.	US-PGPUB; USPAT; EPO; JPO	OR	OFF	2011/11/07 10:22
S6	5	(("20110270764") or ("20100222037") or ("7433452") or ("7010290") or ("20070187482")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/12/09 14:13
S7	2	(microphone and receiv$3 with tone same ((point adj of adj sale) or pos))and S6	US-PGPUB; USPAT; USOCR; EPO	OR	ON	2011/12/09 14:55
S8	1	("20090182634").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/01/02 18:47
S9	1	("20100216425").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/01/02 20:30
S10	1	("20040232221").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/01/02 20:34
S11	1	("20090006254").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/01/02 20:39
S12	1	("20050199714").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/01/02 21:28
S13	1	("6226364").PN.	USPAT; USOCR	OR	OFF	2012/01/02 21:30
S14	0	customer authorization when limit exceeds and alternate payment	US-PGPUB; USPAT; FPRS; EPO	SAME	ON	2012/01/02 21:51
S15	0	customer authorization when limit exceeds alternat$3 payment	US-PGPUB; USPAT; FPRS; EPO	SAME	ON	2012/01/02 21:51
S16	0	authorization when limit exceeds alternat$3 payment	US-PGPUB; USPAT;	SAME	ON	2012/01/02 21:52

			FPRS; EPO			
S17	0	authorization when exceeds alternat$3 payment	US-PGPUB; USPAT; FPRS; EPO	SAME	ON	2012/01/02 21:52
S18	41	authorization exceeds alternat$3 payment	US-PGPUB; USPAT; FPRS; EPO	SAME	ON	2012/01/02 21:52
S19	1	("6718178").PN.	USPAT; USOCR	OR	OFF	2012/01/03 11:08
S20	1	("20100010911").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/01/03 12:23
S21	3	(("6898598") or ("20010029483") or ("6487540")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/01/19 14:11
S22	1	("8027889").PN.	USPAT; USOCR	OR	OFF	2012/02/26 20:26
S23	41	authorization exceeds alternat$3 payment	US-PGPUB; USPAT; FPRS; EPO; JPO	SAME	ON	2012/02/26 21:15
S24	5	(("20110270764") or ("20100222037") or ("7433452") or ("7010290") or ("20070187482")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/02/26 21:16
S25	2	(microphone and receiv$3 with tone same ((point adj of adj sale) or pos))and S24	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	ON	2012/02/26 21:16
S26	1154	mobile purchase transaction	US-PGPUB; USPAT; EPO	WITH	OFF	2012/04/20 17:41
S27	160572	(purchas$3 buyS3 select$3 sort$3)and(product item)and((mobile cellular pda (handheld device)) and (scan barcode))	US-PGPUB; USPAT; EPO	OR	OFF	2012/04/20 17:42
S28	61516	(purchas$3 buyS3 select$3 sort$3)same(product item)and((mobile cellular pda (handheld device)) and (scan barcode))	US-PGPUB; USPAT; EPO	OR	OFF	2012/04/20 17:42
S29	5094	(purchas$3 buyS3 select$3 sort$3)same(product item)same((mobile cellular pda (handheld device)) and (scan barcode))	US-PGPUB; USPAT; EPO	OR	OFF	2012/04/20 17:43
S30	3812	(purchas$3 buyS3 select$3 sort$3)same(product item)same((mobile cellular pda (handheld device))same(scan barcode))	US-PGPUB; USPAT; EPO	OR	OFF	2012/04/20 17:43
S31	2105	(purchas$3 buyS3 select$3 sort$3)same(product item)same((mobile cellular pda (handheld device))with(scan barcode))	US-PGPUB; USPAT; EPO	OR	OFF	2012/04/20 17:43
S32	1566	(purchas$3 buyS3 select$3 sort$3)with(product item)same((mobile cellular pda (handheld device))with(scan barcode))	US-PGPUB; USPAT; EPO	OR	OFF	2012/04/20 17:44
S33	883	(purchas$3 buyS3 select$3	US-PGPUB;	OR	OFF	2012/04/20

		sort$3)with(product item)with((mobile cellular pda (handheld device))with(scan barcode))	USPAT; EPO			17:44
S34	449	S33 and @PY<"2009"	US-PGPUB; USPAT; EPO	OR	OFF	2012/04/20 17:45
S35	43	authorization exceeds alternat$3 payment	US-PGPUB; USPAT; FPRS; EPO	SAME	ON	2012/04/20 17:46
S36	1	S33 and S35	US-PGPUB; USPAT; EPO	OR	OFF	2012/04/20 17:46
S37	883	(purchas$3 buyS3 select$3 sort$3)with(product item)with((mobile cellular pda (handheld device))with(scan barcode))	US-PGPUB; USPAT; EPO	OR	OFF	2012/04/20 18:14
S38	3	S37 and @PY<"2009"	EPO	OR	OFF	2012/04/20 18:14
S39	2	(("20070203836") or ("20060131385")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/04/20 18:45

4/23/2012 10:13:29 AM
C:\Users\mullahmasud\Documents\EAST\Workspaces\13246655 Mobile Payment Authorizaion.wsp

CloudofChange 2024
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Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12012666	BARATTA ET AL.
	Examiner	Art Unit
	MOHAMMAD R ULLAH MASUD	3687

SEARCHED			
Class	Subclass	Date	Examiner
235	375, 383, 385	12/ 24/ 2008	M. R. U.
348	61, 143, 148, 150	12/ 24/ 2008	M. R. U.
705	1, 16, 17, 21, 22, 28, 54	12/ 24/ 2008	M. R. U.
348	12, 150, 161	6/24/2009	M. R. U.
705	22, 28, 35	6/24/2009	M. R. U.
235	375, 379, 383	4/23/2010	M. R. U.
705	1,16, 21, 22, 28, 54	4/23/2010	M. R. U.
235	375, 379, 383	9/25/2010	M. R. U.
705	1,16, 21, 22, 28, 54	9/25/2010	M. R. U.
235	375, 379, 383	5/7/2011	M. R. U.
705	1,16, 21, 22, 28, 54	5/7/2011	M. R. U.
235	375, 379, 383	9/12/2011	M. R. U.
705	1,16, 21, 22, 28, 54	9/12/2011	M. R. U.
235	375, 379, 383	4/23/2012	M. R. U.
705	1,16, 21, 22, 28, 54	4/23/2012	M. R. U.

SEARCH NOTES		
Search Notes	Date	Examiner
EAST	12/ 24/ 2008	M. R. U.
GOOGLE	12/ 24/ 2008	M. R. U.
IDS	12/ 24/ 2008	M. R. U.
NPL	12/ 24/ 2008	M. R. U.
EAST, GOOGLE PATENT, IDS, PLUS SEARCH	6/24/2009	M. R. U.
EAST, GOOGLE PATENT, IDS, PLUS SEARCH	4/23/2010	M. R. U.
EAST, GOOGLE PATENT, IDS, PLUS SEARCH	9/25/2010	M. R. U.
EAST, GOOGLE PATENT, IDS, PLUS SEARCH	5/7/2011	M. R. U.
EAST, GOOGLE PATENT, IDS, PLUS SEARCH	9/12/2011	M. R. U.
EAST, GOOGLE PATENT, IDS, PLUS SEARCH	4/23/2012	M. R. U.

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12012666	BARATTA ET AL.
	Examiner	Art Unit
	MOHAMMAD R ULLAH MASUD	3687

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

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	12/23/2008	06/24/2009	04/24/2010	09/25/2010	05/08/2011	09/12/2011	04/23/2012		
	1	✓	✓	✓	✓	✓	✓	✓		
	2	✓	✓	✓	✓	✓	✓	✓		
	3	✓	✓	✓	✓	✓	✓	✓		
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	6	✓	✓	✓	✓	✓	✓	✓		
	7	✓	✓	✓	✓	✓	✓	✓		
	8	✓	✓	✓	✓	✓	✓	✓		
	9	✓	✓	✓	✓	✓	✓	✓		
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	27	✓	✓	✓	✓	✓	✓	✓		
	28	✓	✓	✓	✓	✓	✓	✓		

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OPAP IAP11
JAN 26 2012
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Rcel/Fm

PTO/SB/30 (07-09)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	12/012,666
Filing Date	February 5, 2008
First Named Inventor	Quentin Olson
Art Unit	3687
Examiner Name	Ullah Masud, Mohammad R
Attorney Docket Number	TY06-004

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114 Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

   a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

      i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

      ii. ☐ Other _____

   b. ☑ Enclosed

      i. ☑ Amendment/Reply

      ii. ☐ Affidavit(s)/ Declaration(s)

      iii. ☐ Information Disclosure Statement (IDS)

      iv. ☐ Other _____

2. Miscellaneous

   a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

   b. ☐ Other _____

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

   a. ☑ The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 19-0033 .

      i. ☑ RCE fee required under 37 CFR 1.17(e) $965

      ii. ☑ Extension of time fee (37 CFR 1.136 and 1.17)

      iii. ☐ Other _____

   b. ☐ Check in the amount of $ _____ enclosed

   c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature		Date	January 23, 2012
Name (Print/Type)	Stephen B. Ackerman	Registration No.	37,761

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature			
Name (Print/Type)	Stephen B. Ackerman	Date	January 23, 2012

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
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OPAP IAP11 JAN 26 2012 PATENT & TRADEMARK OFFICE

PTO/SB/22 (09-11)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARMENT OF COMMERCE
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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)	Docket Number (Optional) TY06-004
Application Number 12/012,666	Filed February 5, 2008
For Web-Based Point of Sale Builder	
Art Unit 3687	Examiner Ullah Masud, Mohammad R

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	
☑ One month (37 CFR 1.17(a)(1))	$150	$75	$ 75
☐ Two months (37 CFR 1.17(a)(2))	$560	$280	$
☐ Three months (37 CFR 1.17(a)(3))	$1270	$635	$
☐ Four months (37 CFR 1.17(a)(4))	$1980	$990	$
☐ Five months (37 CFR 1.17(a)(5))	$2690	$1345	$

☐ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☑ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 19-0033.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☑ attorney or agent of record. Registration Number 37,761

☐ attorney or agent under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Signature	January 23, 2012 (Date)
Stephen B. Ackerman, Reg No. 37,761 (Typed or printed name)	845-452-5863 (Telephone Number)

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

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

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

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02 FC:2251 75.00 DA

OPAP JAN 26 2012 IAP11 PATENT & TRADEMARK OFFICE

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PTO/SB/92 (07-09)
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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

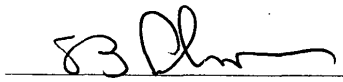
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Certificate of Mailing under 37 CFR 1.8

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P.O. Box 1450
Alexandria, VA 22313-1450

on January 23, 2012
Date



Signature

Stephen B. Ackerman

Typed or printed name of person signing Certificate

37,761
Registration Number, if applicable

845-452-5863
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

This collection of information is required by 37 CFR 1.8. 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 1.8 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.



December 5, 2011

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

FROM: Stephan B. Ackerman, Reg. No. 37,761
28 Davis Avenue
Poughkeepsie, N.Y. 12603

SUBJECT:
Serial #: 12/012,666
File Date: 02/05/2008
Inventor: Baratta, Wayne
Examiner: Ullah Masud, Mohammad R
Art Unit: 3687
Title: Web-Based Point of Sale Builder

RESPONSE TO FINAL OFFICE ACTION

This is in response to the final office action dated September 21, 2011. Please amend the above-identified application for patent as follows:

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Jan. 23, 2012

Signature _____ Jan. 23, 2012

Stephen B. Ackerman, Reg. No. 37,761

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IPR2023-00288
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AMENDMENT

In response to the Final Office Action of September 21, 2011, please amend the above-identified application as follows:

Amendments to the Claims begin on page 3 of this paper.

Remarks/Arguments begin on page 9 of this paper.

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Amendments to the Claims:

1. (CURRENTLY AMENDED) A web-based point of sale (POS) builder system 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,

wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web,

wherein said web servers can be 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 terminals access and repeatly interact with said web server software from said vendor's remote servers, in order to perform the subscriber's desired terminal function, over a network, typically the Internet.

2. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein said POS terminals are implemented with personal computer (PC) architecture.

3. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein use of said builder requires no special training.

4. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein the

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testing of said POS screens can be done iteratively in real time while said POS terminals are simultaneously in use during store and business operation hours.

5. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein no specialized hardware or software is required to implement said POS builder, and wherein no on site, in-store server is required.

6. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein said POS builder is useable to deliver POS application solutions using software as a subscription (SAAS).

7. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 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 resides in and is executed from said web server.

8. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein said POS builder can add new POS screens.

9. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein said POS builder can edit existing POS screens.

10. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein

said POS builder can specify and display the number, shape and arrangement of selection keys or buttons on said POS screens.

11. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein said POS builder can add items to be associated with said keys or buttons.

12. (ORIGINAL) The web-based point of sale (POS) builder system of claim 11 wherein said POS builder can assign attributes such as item name, price, cost, group, taxable and inventory status to said items.

13. (ORIGINAL) The web-based point of sale (POS) builder system of claim 12 wherein said attributes are stored, retrievable and changeable from a back office database stored on said web server.

14. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1, wherein said POS screens are viewable in real-time at remote locations anywhere in the world via personal computers with browser based web access.

15. (CURRENTLY AMENDED) A method of providing a web-based point of sale (POS) builder system comprising the steps of:

providing one or more point of sale terminals, which display POS screens,

providing an internet connection to a web server,

providing one or more local or remote PC workstations, and

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providing point of sale builder software which runs on said web server, wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web, wherein said web servers can be 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 terminals access and repeatly interact with said web server software from said vendor's remote servers, in order to perform the subscriber's desired terminal function, over a network, typically the Internet.

16. (CURRENTLY AMENDED) The method of providing a web-based point of sale (POS) builder system of claim 15 wherein said POS terminals are implemented with personal computer (PC) architecture.

17. (CURRENTLY AMENDED) The method of providing a web-based point of sale (POS) builder system of claim 15 wherein use of said builder requires no special training.

18. (CURRENTLY AMENDED) The method of providing a web-based point of sale (POS) builder system of claim 15 wherein the testing of said POS screens can be done iteratively in real time while said POS terminals are simultaneously in use during store and business operation hours.

19. (CURRENTLY AMENDED) The method of providing a web-based point of sale (POS)

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builder system of claim 15 wherein no specialized hardware or software is required to implement said POS builder, and wherein no on site, in-store server is required.

20. (CURRENTLY AMENDED) The method of providing a web-based point of sale (POS) builder system of claim 15 wherein said POS builder is useable to deliver POS application solutions using software as a subscription (SAAS).

21. (CURRENTLY AMENDED) The method of providing a web-based point of sale (POS) builder system of claim 15 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 resides in and is executed from said web server.

22. (CURRENTLY AMENDED) The method of providing a web-based point of sale (POS) builder system of claim 15 wherein said POS builder can add new POS screens.

23. (CURRENTLY AMENDED) The method of providing a web-based point of sale (POS) builder system of claim 15 wherein said POS builder can edit existing POS screens.

24. (CURRENTLY AMENDED) The method of providing a web-based point of sale (POS) builder system of claim 15 wherein said POS builder can specify and display the number, shape and arrangement of selection keys or buttons on said POS screens.

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25. (CURRENTLY AMENDED) The method of providing a web-based point of sale (POS) builder system of claim 15 wherein said POS builder can add items to be associated with said keys or buttons.

26. (CURRENTLY AMENDED) The method of providing a web-based point of sale (POS) builder system of claim 25 wherein said POS builder can assign attributes such as item name, price, cost, group, taxable and inventory status to said items.

27. (CURRENTLY AMENDED) The method of providing a web-based point of sale (POS) builder system of claim 26 wherein said attributes are stored, retrievable and changeable from a back office database stored on said web server.

28. (ORIGINAL) The method of providing web-based point of sale (POS) builder system of claim 15, wherein said POS screens are viewable in real-time at remote locations anywhere in the world via personal computers with browser based web access.

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REMARKS / ARGUMENTS

Examiner Ullah Masud is thanked for the thorough examination of the subject Patent Application. The claims have been carefully reviewed and are considered to be in condition for allowance.

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 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.

Reconsideration of the rejection of claims 15-28, under 35 U.S.C. 101, because the claimed invention is directed to non-statutory subject matter, is requested based on the following.

Claims 15-27 have been amended by inserting the word, "system" in its preamble as shown in the amended claim 15 below. Claim 28 previously contained the word

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system in its preamble. By inserting the word, "system" in the preamble, a connection is made between the process steps and the system of the preamble. Reconsideration of the above rejection of claims 15-28 is respectfully requested.

15. A method of providing a web-based point of sale (POS) builder **system** comprising the steps of:
providing one or more point of sale terminals, which display POS screens,
providing an internet connection to a web server,
providing one or more local or remote PC workstations, and
providing point of sale builder software which runs on said web server,
wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web, wherein said web servers can be 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 terminals access and repeatly interact with said web server software from said vendor's remote servers, in order to perform the subscriber's desired terminal function, over a network, typically the Internet.

Reconsideration of the rejection of claims 1-28, under 35 U.S.C. 103(a) as being unpatentable over Sullivan (US 7,015,945) in view of Kenner (US 5,956,716) is requested based on the following.

On page 4 of the May 11, 2011 office action, the examiner cites column 3, lines 8-20 of Sullivan. This reference does not mention the instant application's building or editing of POS terminals, which includes the implementation in real time of POS terminals in hardware and software. Sullivan mentions in column 3, lines 8-20, "....to accomplish remote monitoring and analysis of financial transactions". In Sullivan, the "monitoring and

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analysis" does not equate to the instant application's "building and editing of POS terminals in real time". The instant application utilizes servers and the internet to create (build) and change/update (edit) POS terminal characteristics and functions in real time. Sullivan's column 3, lines 44-46, describes the delivery of video surveillance data in real time. This is not equivalent to the more complex changing of POS terminal characteristics in real time in the POS builder function of the instant application. Sullivan's column 3, lines 58-62, describes the selecting, analyzing, and reporting of financial transactions. This is not equivalent to the more complex creation and changing of POS functions in real time of the instant application. Therefore, Sullivan does not perform the instant application's claim 1, "point of sale builder software which runs on said web server, wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web".

As previously stated in the reply to the September 29, 2010 office action, the examiner correctly states that Sullivan does not teach the limitation, "wherein said inventory checking system can be provided as a subscription service and made available to subscriber company's POS terminals from remote servers via the internet". The examiner suggests that Kenner et al. in conjunction with Sullivan make the above instant limitation obvious. In the Response to Arguments, page 7 of the May 11, 2011 office action, the examiner cites Kenner abstract, lines16-21 and lines 25-29. These lines of the Kenner abstract describe that subscriptions for the bulk delivery of video clips via the internet are managed. Alternatively, in the instant application, subscriber company's POS terminals are implemented utilizing software from a vendor's remote servers. This vendor

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software is utilized on generic POS terminals, such as general purpose personal computers, which reside at the subscriber's store and business locations. The difference is as follows. The Kenner subscription is simply a movie delivery subscription, such as Netflix ©. Whereas the instant application's subscription is for the real time hosting, delivery, maintenance and upgrading of an entire point of sale terminal system application, which operates from and resides on vendor servers. The difference is the Kenner subscription is the simple delivery of data (movie data) in a one-way direction from vendor to customer. The instant application's subscription is for the complex two-way interactive real-time software application, which requires the coordination of many interactive two-way programming steps between the vendor servers and the customer POS terminals. The instant independent claims 1 and 15 have been amended to emphasize this function. The amended claim 1 is shown below.

1. A web-based point of sale (POS) builder system
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,
wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web, wherein said web servers can be 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 terminals access **and repeatly interact with** said web server software from said vendor's remote servers, **in order to perform the subscriber's desired terminal function**, over a network, typically the Internet.

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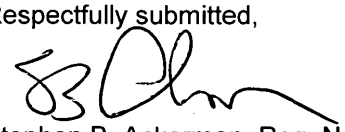
In summary, Sullivan and Kenner do not contain the software subscription model claimed wherein the web server software resides in and is hosted by the vendor's remote servers as stated in the amended independent claims. Therefore, the instant application is not obvious with respect to Sullivan and Kenner and reconsideration of the above rejection of independent claims 1 and 15 is respectfully requested.

Dependent claims 2-14 and 16-28 which depend on independent claims 1 and 15 respectively, which are believed patentable for the reasons given above, are also believed to be unobvious compared to the cited art, and so should be allowed. Reconsideration of the above rejection is therefore respectfully requested.

The examiner is thanked for the thorough review of this patent application. The changes to the specification do not introduce any new matter.

It is requested that should there be any problems with this Amendment, please call the undersigned Attorney at (845) 452-5863.

Respectfully submitted,



Stephen B. Ackerman, Reg. No, 37,761

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PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
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.

PATENT APPLICATION FEE DETERMINATION RECORD
Substitute for Form PTO-875

Application or Docket Number	Filing Date	☐ To be Mailed
12/012,666	02/05/2008	

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			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			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 $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ 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			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT	01/26/2012	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 28	Minus	** 28	= 0	X $30 =	0	OR	X $ =	
	Independent (37 CFR 1.16(h))	* 2	Minus	***3	= 0	X $125 =	0	OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)	OR	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =		OR	X $ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =		OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

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

Legal Instrument Examiner:
/TARA WASHINGTON/

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 NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/012,666	02/05/2008	Wayne Baratta	TY06-004	3905

28112 7590 09/21/2011

SAILE ACKERMAN LLC
28 DAVIS AVENUE
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EXAMINER	
ULLAH MASUD, MOHAMMAD R	
ART UNIT	**PAPER NUMBER**
3687	
MAIL DATE	**DELIVERY MODE**
09/21/2011	PAPER

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

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

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Office Action Summary	Application No.	Applicant(s)	
	12/012,666	BARATTA ET AL.	
	Examiner	Art Unit	
	ROKIB MASUD	3687	

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *15 August 2011*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5)☒ Claim(s) *1-28* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-28* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

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

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

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

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DETAILED ACTION

This Office action responds to the arguments filed by applicant on August 15, 2011 in reply to the previous Office action on the merits, mailed May 11, 2011.

Prosecution History Summary

- Claims 1- 28 are pending in the instant application.
- Claims 1 and 15-27 are currently amended.

Claim Rejections - 35 USC § 103

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

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

2. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan (US 7,015,945) in view of Kenner et al. (US 5,956,716) (hereinafter referred to as Kenner).

With respect to **claims 1, and 15**, Sullivan discloses a similar system, and method of providing, 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 (see, for example, figure 1; column 2 line 53 - column 3 line 20),

one or more local or remote PC workstations (see, for example, figure 1; column 2 line 53- column 3 line 10), and

point of sale builder software which runs on said web server, wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web (see, for example, column 3 lines 5 – 10 discloses building or editing POS terminals also lines 44 – 46 and lines 58 – 62),

Sullivan discloses all the above mentioned limitations and also discloses remote monitoring in figure 1, and in column 2 line 53 – 61, but does not explicitly teach the limitation, wherein said web servers can be 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 terminals access said web server software from said vendor's remote servers.

However, Kenner discloses an invention, wherein said web servers can be 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 terminals access and repeatly interact with said web server software from said vendor's remote servers, in order to perform the subscriber's desired terminal function (see, for example, in abstract lines 25 – 29 Kenner discloses that the subscription management mechanisms and in lines 16-21 discloses that it can be provided to subscriber's computer from remoter servers via the internet and column 10 lines 33-57 discloses that software resides and is hosted in vendors remote servers and column 23 lines 9-24 discloses the repeatedly interaction with web server to perform the subscriber's desired function).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system and method of Sullivan in accordance with the teachings of Kenner, in order to process a point of sale builder system, wherein said web servers can be

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 terminals access said web server software from said vendor's remote servers, in order to perform the subscriber's desired terminal function, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

With respect to **claims 2, and 16**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS terminals are implemented with personal computer (PC) architecture (see, for example, column 2 line 53 - column 3 line 20).

With respect to **claims 3, and 17**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein use of said builder requires no special training (see, for example, column 1 lines 41-50, Sullivan's system and method is automated, so it does not require special training).

With respect to **claims 4, and 18**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein the testing of said POS screens can be done iteratively in real time while said POS terminals are simultaneously in use during store and business operation hours (see, for example, column 2 line 53-column 3 line 10).

With respect to **claims 5, and 19**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein no specialized hardware or software is required to implement said POS builder, and wherein no on site, in-store server is required (see, for example, column 2 line 53-column 3 line 10).

With respect to **claims 6, and 20**, Sullivan discloses the invention, wherein said POS builder is useable to deliver POS application solutions using software as a subscription (SAAS) (see, for example, figure 6, here steps 300, 302, 304, 306, 308 and 310 are the POS applications that are sent in the following steps).

With respect to **claims 7, and 21**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, 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 resides in and is executed from said web server (see, for example column 2 line 58- column 3 line 27, and column 3 line 58-62).

With respect to **claims 8, and 22**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can add new POS screens (see, for example, column 2 lines 62-66).

With respect to **claims 9, and 23**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can edit existing POS screens (see, for example column 2 line 58- column 3 line 27).

With respect to **claims 10, and 24**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can specify and display the number, shape and arrangement of selection keys or buttons on said POS screens (see, for example column 4 lines 27- 38).

With respect to **claims 11, and 25**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can add items to

be associated with said keys or buttons (see, for example, column 2 line 58- column 3 line 2, and column 4 lines 27- 38).

With respect to **claims 12, and 26**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can assign attributes such as item name, price, cost, group, taxable and inventory status to said items (see, for example, column 2 line 58- column 3 line 10).

With respect to **claims 13, and 27**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said attributes are stored, retrievable and changeable from a back office database stored on said web server (see, for example, column 6 lines 4-11, and column 8 line 67- column 9 line 5).

With respect to **claims 14, and 28**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS screens are viewable in real-time at remote locations anywhere in the world via personal computers with browser based web access (see, for example, column 2 lines 58-61, and column 3 lines 58-62).

Response to Arguments

Applicant's arguments filed on August 15, 2011 have been fully considered but they are not persuasive.

With respect to applicant's arguments regarding amended feature of claim 1 examiner respectfully refers to the rejection above.

Examiner notes no other remarks or arguments. Accordingly the rejection remains as is.

Conclusion

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

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROKIB MASUD whose telephone number is (571)270-5390. The examiner can normally be reached on MONDAY TO THURSDAY 9.00 AM TO 5.00 PM (EASTERN TIME).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW S. GART can be reached on (571)272-3955. 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.

/R. M./
Examiner, Art Unit 3687

/Matthew S Gart/
Supervisory Patent Examiner, Art Unit 3687

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12012666	BARATTA ET AL.
	Examiner	Art Unit
	MOHAMMAD R ULLAH MASUD	3687

SEARCHED			
Class	Subclass	Date	Examiner
235	375, 383, 385	12/ 24/ 2008	M. R. U.
348	61, 143, 148, 150	12/ 24/ 2008	M. R. U.
705	1, 16, 17, 21, 22, 28, 54	12/ 24/ 2008	M. R. U.
348	12, 150, 161	6/24/2009	M. R. U.
705	22, 28, 35	6/24/2009	M. R. U.
235	375, 379, 383	4/23/2010	M. R. U.
705	1,16, 21, 22, 28, 54	4/23/2010	M. R. U.
235	375, 379, 383	9/25/2010	M. R. U.
705	1,16, 21, 22, 28, 54	9/25/2010	M. R. U.
235	375, 379, 383	5/7/2011	M. R. U.
705	1,16, 21, 22, 28, 54	5/7/2011	M. R. U.
235	375, 379, 383	9/12/2011	M. R. U.
705	1,16, 21, 22, 28, 54	9/12/2011	M. R. U.

SEARCH NOTES		
Search Notes	Date	Examiner
EAST	12/ 24/ 2008	M. R. U.
GOOGLE	12/ 24/ 2008	M. R. U.
IDS	12/ 24/ 2008	M. R. U.
NPL	12/ 24/ 2008	M. R. U.
EAST, GOOGLE PATENT, IDS, PLUS SEARCH	6/24/2009	M. R. U.
EAST, GOOGLE PATENT, IDS, PLUS SEARCH	4/23/2010	M. R. U.
EAST, GOOGLE PATENT, IDS, PLUS SEARCH	9/25/2010	M. R. U.
EAST, GOOGLE PATENT, IDS, PLUS SEARCH	5/7/2011	M. R. U.
EAST, GOOGLE PATENT, IDS, PLUS SEARCH	9/12/2011	M. R. U.

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12012666	BARATTA ET AL.
	Examiner	Art Unit
	MOHAMMAD R ULLAH MASUD	3687

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

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	12/23/2008	06/24/2009	04/24/2010	09/25/2010	05/08/2011	09/12/2011			
	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	✓	✓	✓	✓	✓	✓			
	28	✓	✓	✓	✓	✓	✓			

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	1	("20040049324").PN.	US-PGPUB; USPAT; EPO	OR	OFF	2011/09/11 21:28
S2	0	S1 and software and update	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/09/11 22:14
S3	1	S1 and software and updat$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/09/11 22:14
S4	3	materials handling vehicle transceiver wireless communication	US-PGPUB; USPAT; FPRS; JPO	SAME	OFF	2011/09/11 23:29
S5	0	detecting occurrence event of interest	US-PGPUB; USPAT; EPO; JPO	NEAR	OFF	2011/09/11 23:30
S6	0	detecting occurrence event of interest	US-PGPUB; USPAT; EPO; JPO	SAME	OFF	2011/09/11 23:31
S7	0	detecting a request for software version	US-PGPUB; USPAT; EPO; JPO	SAME	OFF	2011/09/11 23:31
S8	2	("5956716").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/09/12 18:23

9/12/2011 8:19:14 PM
C:\Documents and Settings\mullahmasud\My Documents\EAST\Workspaces\11956045.wsp



May 31, 2011

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

FROM: Stephan B. Ackerman, Reg. No. 37,761
28 Davis Avenue
Poughkeepsie, N.Y. 12603

SUBJECT:

Serial #:	12/012,666
File Date:	02/05/2008
Inventor:	Baratta, Wayne
Examiner:	Ullah Masud, Mohammad R
Art Unit:	3687
Title:	Web-Based Point of Sale Builder

OFFICE ACTION AMENDMENT

This is in response to the office action dated May 11, 2011. Please amend the above-identified application for patent as follows:

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 On August 11, 2011.

Signature _____ August 11, 2011

Stephen B. Ackerman, Reg. No. 37,761

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AMENDMENT

In response to the Office Action of May 11, 2011, please amend the above-identified application as follows:

Amendments to the Claims begin on page 3 of this paper.

Remarks/Arguments begin on page 9 of this paper.

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Amendments to the Claims:

1. (CURRENTLY AMENDED) A web-based point of sale (POS) builder system 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,

wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web, wherein said web servers can be 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 terminals access and repeatly interact with said web server software from said vendor's remote servers, in order to perform the subscriber's desired terminal function, over a network, typically the Internet.

2. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein said POS terminals are implemented with personal computer (PC) architecture.

3. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein use of said builder requires no special training.

4. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein the

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testing of said POS screens can be done iteratively in real time while said POS terminals are simultaneously in use during store and business operation hours.

5. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein no specialized hardware or software is required to implement said POS builder, and wherein no on site, in-store server is required.

6. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein said POS builder is useable to deliver POS application solutions using software as a subscription (SAAS).

7. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 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 resides in and is executed from said web server.

8. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein said POS builder can add new POS screens.

9. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein said POS builder can edit existing POS screens.

10. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein

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said POS builder can specify and display the number, shape and arrangement of selection keys or buttons on said POS screens.

11. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein said POS builder can add items to be associated with said keys or buttons.

12. (ORIGINAL) The web-based point of sale (POS) builder system of claim 11 wherein said POS builder can assign attributes such as item name, price, cost, group, taxable and inventory status to said items.

13. (ORIGINAL) The web-based point of sale (POS) builder system of claim 12 wherein said attributes are stored, retrievable and changeable from a back office database stored on said web server.

14. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1, wherein said POS screens are viewable in real-time at remote locations anywhere in the world via personal computers with browser based web access.

15. (CURRENTLY AMENDED) A method of providing a web-based point of sale (POS) builder system comprising the steps of:

providing one or more point of sale terminals, which display POS screens,

providing an internet connection to a web server,

providing one or more local or remote PC workstations, and

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providing point of sale builder software which runs on said web server, wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web, wherein said web servers can be 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 terminals access and repeatly interact with said web server software from said vendor's remote servers, in order to perform the subscriber's desired terminal function, over a network, typically the Internet.

16. (CURRENTLY AMENDED) The method of providing a web-based point of sale (POS) builder system of claim 15 wherein said POS terminals are implemented with personal computer (PC) architecture.

17. (CURRENTLY AMENDED) The method of providing a web-based point of sale (POS) builder system of claim 15 wherein use of said builder requires no special training.

18. (CURRENTLY AMENDED) The method of providing a web-based point of sale (POS) builder system of claim 15 wherein the testing of said POS screens can be done iteratively in real time while said POS terminals are simultaneously in use during store and business operation hours.

19. (CURRENTLY AMENDED) The method of providing a web-based point of sale (POS)

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builder system of claim 15 wherein no specialized hardware or software is required to implement said POS builder, and wherein no on site, in-store server is required.

20. (CURRENTLY AMENDED) The method of providing a web-based point of sale (POS) builder system of claim 15 wherein said POS builder is useable to deliver POS application solutions using software as a subscription (SAAS).

21. (CURRENTLY AMENDED) The method of providing a web-based point of sale (POS) builder system of claim 15 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 resides in and is executed from said web server.

22. (CURRENTLY AMENDED) The method of providing a web-based point of sale (POS) builder system of claim 15 wherein said POS builder can add new POS screens.

23. (CURRENTLY AMENDED) The method of providing a web-based point of sale (POS) builder system of claim 15 wherein said POS builder can edit existing POS screens.

24. (CURRENTLY AMENDED) The method of providing a web-based point of sale (POS) builder system of claim 15 wherein said POS builder can specify and display the number, shape and arrangement of selection keys or buttons on said POS screens.

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25. (CURRENTLY AMENDED) The method of providing a web-based point of sale (POS) builder system of claim 15 wherein said POS builder can add items to be associated with said keys or buttons.

26. (CURRENTLY AMENDED) The method of providing a web-based point of sale (POS) builder system of claim 25 wherein said POS builder can assign attributes such as item name, price, cost, group, taxable and inventory status to said items.

27. (CURRENTLY AMENDED) The method of providing a web-based point of sale (POS) builder system of claim 26 wherein said attributes are stored, retrievable and changeable from a back office database stored on said web server.

28. (ORIGINAL) The method of providing web-based point of sale (POS) builder system of claim 15, wherein said POS screens are viewable in real-time at remote locations anywhere in the world via personal computers with browser based web access.

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REMARKS / ARGUMENTS

Examiner Ullah Masud is thanked for the thorough examination of the subject Patent Application. The claims have been carefully reviewed and are considered to be in condition for allowance.

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 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.

Reconsideration of the rejection of claims 15-28, under 35 U.S.C. 101, because the claimed invention is directed to non-statutory subject matter, is requested based on the following.

Claims 15-27 have been amended by inserting the word, "system" in its preamble as shown in the amended claim 15 below. Claim 28 previously contained the word

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system in its preamble. By inserting the word, "system" in the preamble, a connection is made between the process steps and the system of the preamble. Reconsideration of the above rejection of claims 15-28 is respectfully requested.

15. A method of providing a web-based point of sale (POS) builder **system** comprising the steps of:
providing one or more point of sale terminals, which display POS screens,
providing an internet connection to a web server,
providing one or more local or remote PC workstations, and
providing point of sale builder software which runs on said web server,
wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web, wherein said web servers can be 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 terminals access and repeatly interact with said web server software from said vendor's remote servers, in order to perform the subscriber's desired terminal function, over a network, typically the Internet.

Reconsideration of the rejection of claims 1-28, under 35 U.S.C. 103(a) as being unpatentable over Sullivan (US 7,015,945) in view of Kenner (US 5,956,716) is requested based on the following.

On page 4 of the May 11, 2011 office action, the examiner cites column 3, lines 8-20 of Sullivan. This reference does not mention the instant application's building or editing of POS terminals, which includes the implementation in real time of POS terminals in hardware and software. Sullivan mentions in column 3, lines 8-20, "....to accomplish remote monitoring and analysis of financial transactions". In Sullivan, the "monitoring and

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analysis" does not equate to the instant application's "building and editing of POS terminals in real time". The instant application utilizes servers and the internet to create (build) and change/update (edit) POS terminal characteristics and functions in real time. Sullivan's column 3, lines 44-46, describes the delivery of video surveillance data in real time. This is not equivalent to the more complex changing of POS terminal characteristics in real time in the POS builder function of the instant application. Sullivan's column 3, lines 58-62, describes the selecting, analyzing, and reporting of financial transactions. This is not equivalent to the more complex creation and changing of POS functions in real time of the instant application. Therefore, Sullivan does not perform the instant application's claim 1, "point of sale builder software which runs on said web server, wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web".

As previously stated in the reply to the September 29, 2010 office action, the examiner correctly states that Sullivan does not teach the limitation, "wherein said inventory checking system can be provided as a subscription service and made available to subscriber company's POS terminals from remote servers via the internet". The examiner suggests that Kenner et al. in conjunction with Sullivan make the above instant limitation obvious. In the Response to Arguments, page 7 of the May 11, 2011 office action, the examiner cites Kenner abstract, lines16-21 and lines 25-29. These lines of the Kenner abstract describe that subscriptions for the bulk delivery of video clips via the internet are managed. Alternatively, in the instant application, subscriber company's POS terminals are implemented utilizing software from a vendor's remote servers. This vendor

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software is utilized on generic POS terminals, such as general purpose personal computers, which reside at the subscriber's store and business locations. The difference is as follows. The Kenner subscription is simply a movie delivery subscription, such as Netflix ©. Whereas the instant application's subscription is for the real time hosting, delivery, maintenance and upgrading of an entire point of sale terminal system application, which operates from and resides on vendor servers. The difference is the Kenner subscription is the simple delivery of data (movie data) in a one-way direction from vendor to customer. The instant application's subscription is for the complex two-way interactive real-time software application, which requires the coordination of many interactive two-way programming steps between the vendor servers and the customer POS terminals. The instant independent claims 1 and 15 have been amended to emphasize this function. The amended claim 1 is shown below.

1. A web-based point of sale (POS) builder system
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,
wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web, wherein said web servers can be 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 terminals access **and repeatly interact with** said web server software from said vendor's remote servers, **in order to perform the subscriber's desired terminal function**, over a network, typically the Internet.

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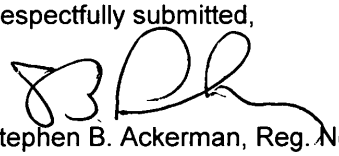
In summary, Sullivan and Kenner do not contain the software subscription model claimed wherein the web server software resides in and is hosted by the vendor's remote servers as stated in the amended independent claims. Therefore, the instant application is not obvious with respect to Sullivan and Kenner and reconsideration of the above rejection of independent claims 1 and 15 is respectfully requested.

Dependent claims 2-14 and 16-28 which depend on independent claims 1 and 15 respectively, which are believed patentable for the reasons given above, are also believed to be unobvious compared to the cited art, and so should be allowed. Reconsideration of the above rejection is therefore respectfully requested.

The examiner is thanked for the thorough review of this patent application. The changes to the specification do not introduce any new matter.

It is requested that should there be any problems with this Amendment, please call the undersigned Attorney at (845) 452-5863.

Respectfully submitted,



Stephen B. Ackerman, Reg. No, 37,761

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PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
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.

PATENT APPLICATION FEE DETERMINATION RECORD
Substitute for Form PTO-875

Application or Docket Number	Filing Date	☐ To be Mailed
12/012,666	02/05/2008	

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY ☒ RATE ($)	SMALL ENTITY ☒ FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			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 $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ 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			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT 08/15/2011	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 28	Minus	** 28	=	X $ =		OR	X $ =	
Independent (37 CFR 1.16(h))	* 2	Minus	***3	=	X $ =		OR	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

AMENDMENT	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)	OR	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =		OR	X $ =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =		OR	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

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

Legal Instrument Examiner:
/ELMIRA HALL/

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.**

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/012,666	02/05/2008	Wayne Baratta	TY06-004	3905

28112 7590 05/11/2011

SAILE ACKERMAN LLC
28 DAVIS AVENUE
POUGHKEEPSIE, NY 12603

EXAMINER	
ULLAH MASUD, MOHAMMAD R	
ART UNIT	**PAPER NUMBER**
3687	
MAIL DATE	**DELIVERY MODE**
05/11/2011	PAPER

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

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

PTOL-90A (Rev. 04/07)

Office Action Summary	Application No.	Applicant(s)	
	12/012,666	BARATTA ET AL.	
	Examiner	Art Unit	
	MOHAMMAD R. ULLAH MASUD	3687	

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *01 December 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

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

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DETAILED ACTION

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

Hence, this Office action responds to the arguments filed by applicant on December 01, , 2010 in reply to the previous Office action on the merits, mailed September 29, 2010.

Prosecution History Summary

- Claims 1- 28 are pending in the instant application.
- Claims 1 and 15 are currently amended.
- Claims 2 – 14, and 16 – 28 are original.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 15-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With respect to **claims 15-28**, in order for a method to be considered a "process" under §101, a claimed process must either: (1) be tied to another statutory class (such as a particular

apparatus) or (2) transform underlying subject matter (such as an article or materials). *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972). If neither of these requirements is met by the claim, the method is not a patent eligible process under §101 and is non-statutory subject matter.

The preambles of these claims recite methods, however the bodies of these claims do not positively tie the process steps to any apparatus.

Claim Rejections - 35 USC § 103

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

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

2. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan (US 7,015,945) in view of Kenner et al. (US 5,956,716) (hereinafter referred to as Kenner).

With respect to **claims 1, and 15**, Sullivan discloses a similar system, and method of providing, 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 (see, for example, figure 1; column 2 line 53 - column 3 line 20),

one or more local or remote PC workstations (see, for example, figure 1; column 2 line 53-column 3 line 10), and

point of sale builder software which runs on said web server, wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the

world and over the worldwide web (see, for example, column 3 lines 8 – 20, lines 44– 46, lines 58 – 62),

Sullivan discloses all the above mentioned limitations and also discloses remote monitoring in figure 1, and in column 2 line 53 – 61, but does not explicitly teach the limitation, wherein said web servers can be 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 terminals access said web server software from said vendor's remote servers.

However, Kenner discloses an invention, wherein said web servers can be 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 terminals access said web server software from said vendor's remote servers (see, for example, in abstract lines 25 – 29 Kenner discloses that the subscription management mechanisms and in lines 16-21 discloses that it can be provided to subscriber’s computer from remoter servers via the internet and column 10 lines 33-57 discloses that software resides and is hosted in vendors remote servers).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system and method of Sullivan in accordance with the teachings of Kenner, in order to process a point of sale builder system, wherein said web servers can be 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 terminals access said web server software from said vendor's remote servers, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

With respect to **claims 2, and 16**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS terminals are implemented with personal computer (PC) architecture (see, for example, column 2 line 53 - column 3 line 20).

With respect to **claims 3, and 17**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein use of said builder requires no special training (see, for example, column 1 lines 41-50, Sullivan's system and method is automated, so it does not require special training).

With respect to **claims 4, and 18**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein the testing of said POS screens can be done iteratively in real time while said POS terminals are simultaneously in use during store and business operation hours (see, for example, column 2 line 53-column 3 line 10).

With respect to **claims 5, and 19**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein no specialized hardware or software is required to implement said POS builder, and wherein no on site, in-store server is required (see, for example, column 2 line 53-column 3 line 10).

With respect to **claims 6, and 20**, Sullivan discloses the invention, wherein said POS builder is useable to deliver POS application solutions using software as a subscription (SAAS) (see, for example, figure 6, here steps 300, 302, 304, 306, 308 and 310 are the POS applications that are sent in the following steps).

With respect to **claims 7, and 21**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, 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 resides in and is executed from said web server (see, for example column 2 line 58- column 3 line 27, and column 3 line 58-62).

With respect to **claims 8, and 22**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can add new POS screens (see, for example, column 2 lines 62-66).

With respect to **claims 9, and 23**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can edit existing POS screens (see, for example column 2 line 58- column 3 line 27).

With respect to **claims 10, and 24**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can specify and display the number, shape and arrangement of selection keys or buttons on said POS screens (see, for example column 4 lines 27- 38).

With respect to **claims 11, and 25**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can add items to be associated with said keys or buttons (see, for example, column 2 line 58- column 3 line 2, and column 4 lines 27- 38).

With respect to **claims 12, and 26**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can assign attributes such as item name, price, cost, group, taxable and inventory status to said items (see, for example, column 2 line 58- column 3 line 10).

With respect to **claims 13, and 27**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said attributes are stored, retrievable

and changeable from a back office database stored on said web server (see, for example, column 6 lines 4-11, and column 8 line 67- column 9 line 5).

With respect to **claims 14, and 28**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS screens are viewable in real-time at remote locations anywhere in the world via personal computers with browser based web access (see, for example, column 2 lines 58-61, and column 3 lines 58-62).

Response to Arguments

Applicant's arguments filed on December 01, 2010 have been fully considered but they are not persuasive.

Applicant argues that Kenner's invention does not disclose the amended feature of the independent claims.

Examiner notes that in abstract lines 25 – 29 Kenner discloses that the subscription management mechanisms and in lines 16-21 discloses that it can be provided to subscriber's computer from remoter servers via the internet and column 10 lines 33-57 discloses that software resides and is hosted in vendors remote servers.

Examiner notes no other remarks or arguments. Accordingly the rejection remains as is.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD R. ULLAH MASUD whose telephone number is (571)270-5390. The examiner can normally be reached on MONDAY TO THURSDAY 9.00 AM TO 5.30 PM (EASTERN TIME).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW S. GART can be reached on (571)272-3955. 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.

/M. R. U./
Examiner, Art Unit 3687

/Scott A Zare/
Examiner, Art Unit 3687

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	5	(("6504481") or ("6847392") or ("6726094") or ("6343739") or ("5895453")).PN.	US-PGPUB; USPAT	OR	OFF	2008/07/10 12:00
S2	1	("20050091124").PN.	US-PGPUB; USPAT	OR	OFF	2008/07/14 13:45
S3	1	("5491511").PN.	US-PGPUB; USPAT	OR	OFF	2008/07/17 16:45
S4	1	("7015945").PN.	US-PGPUB; USPAT	OR	OFF	2008/07/17 17:28
S5	1	("6075560").PN.	US-PGPUB; USPAT	OR	OFF	2008/07/17 18:50
S6	140	(POS (point adj of adj sale) (cash adj register)) and (video adj surveillance)and (database)	US-PGPUB; USPAT	OR	ON	2008/07/18 18:50
S7	31	(POS (point adj of adj sale) (cash adj register)) same (video adj surveillance)and (database)	US-PGPUB; USPAT	OR	ON	2008/07/18 18:50
S8	13	S7 and @py<"2006"	US-PGPUB; USPAT	OR	ON	2008/07/18 18:51
S9	153	(POS (point adj of adj sale) (cash adj register)) and (video adj surveillance)and (database)	US-PGPUB; USPAT	OR	ON	2008/12/21 19:09
S10	74	S9 and @py<"2006"	US-PGPUB; USPAT	OR	ON	2008/12/21 19:09
S12	12461	(hardware software)and (POS (point adj of adj sale) (cash adj register)) and ((web adj server) server)and(database)	US-PGPUB; USPAT	OR	ON	2008/12/21 19:27

S13	6067	((web adj server) server) and(database)same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/21 19:28
S14	3447	(database same((web adj server) server))same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/21 19:30
S15	261	(database same((web adj server) server))same (hardware software)same (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/21 19:30
S16	113	S15 and @py<"2006"	US-PGPUB; USPAT; EPO	OR	OFF	2008/12/21 19:33
S17	1	("20060293978").PN.	US-PGPUB; USPAT	OR	OFF	2008/12/22 16:21
S18	4	(("6851611") or ("7092947") or ("6662193") or ("5399844")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/12/23 16:45
S19	9744	((hand adj held)handheld portable mobile small)and (hardware software)and (POS (point adj of adj sale) (cash adj register)) and ((web adj server) server)and(database)	US-PGPUB; USPAT	OR	ON	2008/12/23 16:47
S20	2088	((hand adj held)handheld portable mobile small)and (hardware software)and (POS (point adj of adj sale) (cash adj register)) same((web adj server) server)and(database)	US-PGPUB; USPAT	OR	ON	2008/12/23 16:53
S21	918	((hand adj held)handheld portable mobile small)and (hardware software)and (POS (point adj of adj sale) (cash adj register)) same((web adj server) server)same(database)	US-PGPUB; USPAT	OR	ON	2008/12/23 16:53
S22	412	S21 and @py<"2006"	US-PGPUB; USPAT; EPO	OR	OFF	2008/12/23 16:53

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S23	5215	(inventory price cost sales void)and ((web adj server) server)and (database)same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/23 20:28
S24	2661	(inventory price cost sales void)same((web adj server) server)and (database)same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/23 20:29
S25	555	(inventory price cost sales void)same((web adj server) server)same (database)same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/23 20:29
S26	297	(inventory price cost sales void)same((web adj server) server)same (database)with(hardware software)and(POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/23 20:29
S28	75	(POS (point adj of adj sale)(cash adj register)) same(inventory price cost sales void)same ((web adj server) server) same(database)with (hardware software)	US-PGPUB; USPAT	OR	ON	2008/12/23 20:31
S29	1	("5557798").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/05/04 15:50
S30	1	("5956716").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/05/05 11:17
S31	24001	(web network remote) adj4(server host database system)same (subscri$9)	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:08
S32	24001	(web network remote) adj4(server host database system)same (subscri$9)	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:08

S33	20435	(web network remote) adj3(server host database system)same (subscri$9)	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:09
S34	9823	(web network remote)adj (server host database system)same(subscri$9)	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:09
S35	13460	(hardware software)and (POS (point adj of adj sale) (cash adj register)) and ((web adj server) server)and(database)	US-PGPUB; USPAT	OR	ON	2009/05/05 12:09
S36	335	S34 and S35	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:09
S37	165	(POS (point adj of adj sale) (cash adj register)) and (video adj surveillance)and (database)	US-PGPUB; USPAT	OR	ON	2009/05/05 12:10
S38	4	S34 and S37	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:10
S39	270	(database same((web adj server) server))same (hardware software)same (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2009/05/05 12:10
S40	4	S34 and S39	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:10
S41	5551	(inventory price cost sales void)and ((web adj server) server)and (database)same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2009/05/05 12:11
S42	126	S34 and S41	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:11
S43	165	(POS (point adj of adj sale) (cash adj register)) and (video adj surveillance)and (database)	US-PGPUB; USPAT	OR	ON	2009/05/05 12:32

S44	168	(POS (point adj of adj sale) (cash adj register)) and (video adj surveillance)and (database)	US-PGPUB; USPAT	OR	ON	2009/06/24 15:57
S45	767	(hardware software)same (POS (point adj of adj sale) (cash adj register)) and ((web adj server) server)and(database)and (subscript$4 subscrib$4)	US-PGPUB; USPAT	OR	ON	2009/06/24 15:59
S46	376	S45 and @py<"2006"	US-PGPUB; USPAT; EPO	OR	OFF	2009/06/24 15:59
S47	643	(hardware software)same (POS (point adj of adj sale) (cash adj register)) and ((web adj server) server)same(database) and (subscript$4 subscrib $4)	US-PGPUB; USPAT	OR	ON	2009/06/24 16:00
S48	318	S47 and @py<"2006"	US-PGPUB; USPAT; EPO	OR	OFF	2009/06/24 16:00
S49	6111	(inventory price cost sales void)and ((web adj server) server)and (database)same (hardware software)and ((cash adj register) POS (point adj of adj sale))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2009/12/08 13:32
S50	3427	S49 and @py<"2007"	US-PGPUB; USPAT; EPO	OR	OFF	2009/12/08 13:33
S51	685	(inventory price cost sales void)and ((web adj server) server)and (database)same (hardware software)same ((cash adj register) POS (point adj of adj sale))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2009/12/08 13:34
S52	304	(inventory price cost sales void)and ((web adj server) server)same (database)same (hardware software)same ((cash adj register) POS (point adj of adj sale))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2009/12/08 13:35

S53	90	(inventory price cost sales void)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; JPO	OR	ON	2009/12/08 13:35
S54	329	(database same((web adj server) server))same (hardware software)same (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2010/07/23 20:33
S55	113	S54 and @py<"2006"	US-PGPUB; USPAT; EPO	OR	OFF	2010/07/23 20:33
S56	11982	(web network remote)adj (server host database system)same(subscri$9)	US-PGPUB; USPAT; EPO	OR	OFF	2010/09/26 17:35
S57	6964	(inventory price cost sales void)and ((web adj server) server)and (database)same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2010/09/26 17:35
S58	170	S56 and S57	US-PGPUB; USPAT; EPO	OR	OFF	2010/09/26 17:35
S59	341	(database same((web adj server) server))same (hardware software)same (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2010/09/26 17:39
S60	113	S59 and @py<"2006"	US-PGPUB; USPAT; EPO	OR	OFF	2010/09/26 17:39
S61	341	(database same((web adj server) server))same (hardware software)same (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2010/09/26 18:03
S62	113	S61 and @py<"2006"	US-PGPUB; USPAT; EPO; JPO	OR	ON	2010/09/26 18:03
S63	1	("20040181454").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/11/20 17:46

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Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12012666	BARATTA ET AL.
	Examiner	Art Unit
	MOHAMMAD R ULLAH MASUD	3687

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

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	12/23/2008	06/24/2009	04/24/2010	09/25/2010	05/08/2011				
	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	✓	✓	✓	✓	✓				
	28	✓	✓	✓	✓	✓				

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	12012666	BARATTA ET AL.
	Examiner	Art Unit
	MOHAMMAD R ULLAH MASUD	3687

SEARCHED			
Class	Subclass	Date	Examiner
235	375, 383, 385	12/ 24/ 2008	M. R. U.
348	61, 143, 148, 150	12/ 24/ 2008	M. R. U.
705	1, 16, 17, 21, 22, 28, 54	12/ 24/ 2008	M. R. U.
348	12, 150, 161	6/24/2009	M. R. U.
705	22, 28, 35	6/24/2009	M. R. U.
235	375, 379, 383	4/23/2010	M. R. U.
705	1,16, 21, 22, 28, 54	4/23/2010	M. R. U.
235	375, 379, 383	9/25/2010	M. R. U.
705	1,16, 21, 22, 28, 54	9/25/2010	M. R. U.
235	375, 379, 383	5/7/2011	M. R. U.
705	1,16, 21, 22, 28, 54	5/7/2011	M. R. U.

SEARCH NOTES		
Search Notes	Date	Examiner
EAST	12/ 24/ 2008	M. R. U.
GOOGLE	12/ 24/ 2008	M. R. U.
IDS	12/ 24/ 2008	M. R. U.
NPL	12/ 24/ 2008	M. R. U.
EAST, GOOGLE PATENT, IDS, PLUS SEARCH	6/24/2009	M. R. U.
EAST, GOOGLE PATENT, IDS, PLUS SEARCH	4/23/2010	M. R. U.
EAST, GOOGLE PATENT, IDS, PLUS SEARCH	9/25/2010	M. R. U.
EAST, GOOGLE PATENT, IDS, PLUS SEARCH	5/7/2011	M. R. U.

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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RCE

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Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	12/012,666
Filing Date	2/5/08
First Named Inventor	Barratta, W
Art Unit	3687
Examiner Name	M. R. Ullah Masud
Attorney Docket Number	TY06-004

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114 Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

   a. [X] Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

      i. [ ] Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

      ii. [X] Other Office action response of November 29, 2010

   b. [ ] Enclosed

      i. [ ] Amendment/Reply

      ii. [ ] Affidavit(s)/ Declaration(s)

      iii. [ ] Information Disclosure Statement (IDS)

      iv. [ ] Other _____

2. Miscellaneous

   a. [ ] Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

   b. [ ] Other _____

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

   a. [✓] The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 19-0033.

      i. [✓] RCE fee required under 37 CFR 1.17(e) $405.

      ii. [✓] Extension of time fee (37 CFR 1.136 and 1.17)

      iii. [ ] Other _____

   b. [ ] Check in the amount of $ _____ enclosed

   c. [ ] Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature		Date	March 28, 2011
Name (Print/Type)	Stephen B. Ackerman	Registration No.	37,761

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature			
Name (Print/Type)	Stephen B. Ackerman	Date	March 28, 2011

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop RCE, 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.

03/31/2011 EEKUBAY1 00000037 190033 12012666

OPAP
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IAP11
PATENT & TRADEMARK OFFICE

PTO/SB/22 (07-09)
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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) **FY 2009** *(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)*	Docket Number (Optional) TY06-004
Application Number 12/012,666	Filed 2/5/08
For Web-Based Point of Sale Builder	
Art Unit 3687	Examiner M. R. Ullah Musud

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	
☐ One month (37 CFR 1.17(a)(1))	$130	$65	$
☐ Two months (37 CFR 1.17(a)(2))	$490	$245	$
☒ Three months (37 CFR 1.17(a)(3))	$1110	$555	$ 555.
☐ Four months (37 CFR 1.17(a)(4))	$1730	$865	$
☐ Five months (37 CFR 1.17(a)(5))	$2350	$1175	$

☐ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☑ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 19-0033.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☑ attorney or agent of record. Registration Number 37,761

☐ attorney or agent under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Signature	Date
	March 28, 2011
Stephen B. Ackerman, Reg. No. 37, 761	845-452-5863
Typed or printed name	Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

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

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OPAP
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PTO/SB/92 (07-09)
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Certificate of Mailing under 37 CFR 1.8

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

on March 28, 2011
Date

Signature

Stephen B. Ackerman
Typed or printed name of person signing Certificate

37,761
Registration Number, if applicable

845-452-5863
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

This collection of information is required by 37 CFR 1.8. 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 1.8 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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PTO/SB/06 (07-06)
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PATENT APPLICATION FEE DETERMINATION RECORD
Substitute for Form PTO-875

Application or Docket Number	Filing Date	☐ To be Mailed
12/012,666	02/05/2008	

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY ☒ RATE ($)	SMALL ENTITY ☒ FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY FEE ($)
☒ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	155		N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			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 $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ 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	155		TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT 03/31/2011

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 28	Minus	** 28	= 0	X $26 =	0	OR	X $ =	
Independent (37 CFR 1.16(h))	* 2	Minus	***3	= 0	X $110 =	0	OR	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

AMENDMENT

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)	OR	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =		OR	X $ =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =		OR	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

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

Legal Instrument Examiner:
/GWENDOLYN MYERS/

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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UNITED STATES DEPARTMENT OF COMMERCE
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/012,666	02/05/2008	Wayne Baratta	TY06-004	3905

28112 7590 12/17/2010

SAILE ACKERMAN LLC
28 DAVIS AVENUE
POUGHKEEPSIE, NY 12603

EXAMINER	
ULLAH MASUD, MOHAMMAD R	
ART UNIT	PAPER NUMBER
3687	
MAIL DATE	DELIVERY MODE
12/17/2010	PAPER

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

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

PTOL-90A (Rev. 04/07)

Advisory Action Before the Filing of an Appeal Brief	**Application No.** *12/012,666*	**Applicant(s)** BARATTA ET AL.	
	Examiner MOHAMMAD R. ULLAH MASUD	**Art Unit** 3687	

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

THE REPLY FILED 01 December 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires *3* months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1-28*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: Amendment of independent claims 1 and 15 require further search.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Matthew S Gart/
Supervisory Patent Examiner, Art Unit 3687

CloudofChange 2024
Clover Network, LLC v. CloudofChange, LLC
IPR2023-00288
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Continuation of 3. NOTE: Newly added limitations of independent claims 1 and 15 require further search.

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Clover Network, LLC v. CloudofChange, LLC
IPR2023-00288
Page 157 of 361

TY06-004



Application no. 12/012,666

November 1, 2010

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

FROM: Stephan B. Ackerman, Reg. No. 37,761
28 Davis Avenue
Poughkeepsie, N.Y. 12603

SUBJECT:

Serial #:	12/012,666
File Date:	02/05/2008
Inventor:	Baratta, Wayne
Examiner:	Ullah Masud, Mohammad R
Art Unit:	3687
Title:	Web-Based Point of Sale Builder

FINAL OFFICE ACTION AMENDMENT

This is in response to the office action dated September 29, 2010. Please amend the above-identified application for patent as follows:

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 29, 2010.

Signature November 29, 2010

Stephen B. Ackerman, Reg. No. 37,761

CloudofChange 2024
Clover Network, LLC v. CloudofChange, LLC
IPR2023-00288
Page 158 of 361

AMENDMENT

In response to the Final Office Action of September 29, 2010, please amend the above-identified application as follows:

Amendments to the Claims begin on page 3 of this paper.

Remarks/Arguments begin on page 9 of this paper.

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Clover Network, LLC v. CloudofChange, LLC
IPR2023-00288
Page 159 of 361

Amendments to the Claims:

1. (CURRENTLY AMENDED) A web-based point of sale (POS) builder system 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,

wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web, wherein said web servers can be 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 terminals access said web server software from said vendor's remote servers. ~~and made available to subscriber company's POS terminals from remote servers via the internet...~~

2. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein said POS terminals are implemented with personal computer (PC) architecture.

3. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein use of said builder requires no special training.

4. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein the

CloudofChange 2024
Clover Network, LLC v. CloudofChange, LLC
IPR2023-00288
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testing of said POS screens can be done iteratively in real time while said POS terminals are simultaneously in use during store and business operation hours.

5. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein no specialized hardware or software is required to implement said POS builder, and wherein no on site, in-store server is required.

6. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein said POS builder is useable to deliver POS application solutions using software as a subscription (SAAS).

7. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 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 resides in and is executed from said web server.

8. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein said POS builder can add new POS screens.

9. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein said POS builder can edit existing POS screens.

10. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein

CloudofChange 2024
Clover Network, LLC v. CloudofChange, LLC
IPR2023-00288
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said POS builder can specify and display the number, shape and arrangement of selection keys or buttons on said POS screens.

11. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein said POS builder can add items to be associated with said keys or buttons.

12. (ORIGINAL) The web-based point of sale (POS) builder system of claim 11 wherein said POS builder can assign attributes such as item name, price, cost, group, taxable and inventory status to said items.

13. (ORIGINAL) The web-based point of sale (POS) builder system of claim 12 wherein said attributes are stored, retrievable and changeable from a back office database stored on said web server.

14. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1, wherein said POS screens are viewable in real-time at remote locations anywhere in the world via personal computers with browser based web access.

15. (CURRENTLY AMENDED) A method of providing a web-based point of sale (POS) builder comprising the steps of:

providing one or more point of sale terminals, which display POS screens,

providing an internet connection to a web server,

providing one or more local or remote PC workstations, and

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Clover Network, LLC v. CloudofChange, LLC
IPR2023-00288
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providing point of sale builder software which runs on said web server, wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web, wherein said web servers can be 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 terminals access said web server software from said vendor's remote servers. ~~and made available to subscriber company's POS terminals from remote servers via the internet...~~

16. (ORIGINAL) The method of providing a web-based point of sale (POS) builder of claim 15 wherein said POS terminals are implemented with personal computer (PC) architecture.

17. (ORIGINAL) The method of providing a web-based point of sale (POS) builder of claim 15 wherein use of said builder requires no special training.

18. (ORIGINAL) The method of providing a web-based point of sale (POS) builder of claim 15 wherein the testing of said POS screens can be done iteratively in real time while said POS terminals are simultaneously in use during store and business operation hours.

19. (ORIGINAL) The method of providing a web-based point of sale (POS) builder of claim 15 wherein no specialized hardware or software is required to implement said POS builder, and wherein no on site, in-store server is required.

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Clover Network, LLC v. CloudofChange, LLC
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20. (ORIGINAL) The method of providing a web-based point of sale (POS) builder of claim 15 wherein said POS builder is useable to deliver POS application solutions using software as a subscription (SAAS).

21. (ORIGINAL) The method of providing a web-based point of sale (POS) builder of claim 15 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 resides in and is executed from said web server.

22. (ORIGINAL) The method of providing a web-based point of sale (POS) builder of claim 15 wherein said POS builder can add new POS screens.

23. (ORIGINAL) The method of providing a web-based point of sale (POS) builder of claim 15 wherein said POS builder can edit existing POS screens.

24. (ORIGINAL) The method of providing a web-based point of sale (POS) builder of claim 15 wherein said POS builder can specify and display the number, shape and arrangement of selection keys or buttons on said POS screens.

25. (ORIGINAL) The method of providing a web-based point of sale (POS) builder of

CloudofChange 2024
Clover Network, LLC v. CloudofChange, LLC
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claim 15 wherein said POS builder can add items to be associated with said keys or buttons.

26. (ORIGINAL) The method of providing a web-based point of sale (POS) builder of claim 25 wherein said POS builder can assign attributes such as item name, price, cost, group, taxable and inventory status to said items.

27. (ORIGINAL) The method of providing a web-based point of sale (POS) builder of claim 26 wherein said attributes are stored, retrievable and changeable from a back office database stored on said web server.

28. (ORIGINAL) The method of providing web-based point of sale (POS) builder system of claim 15, wherein said POS screens are viewable in real-time at remote locations anywhere in the world via personal computers with browser based web access.

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REMARKS / ARGUMENTS

Examiner Ullah Masud is thanked for the thorough examination of the subject Patent Application. The claims have been carefully reviewed and are considered to be in condition for allowance.

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 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.

Reconsideration of the rejection of claims 1-28, under 35 U.S.C. 103(a) as being unpatentable over Sullivan (US 7,015,945) in view of Kenner (US 5,956,716) is requested based on the following.

The examiner correctly states that Sullivan does not teach the limitation, "wherein said inventory checking system can be provided as a subscription service and made available to subscriber company's POS terminals from remote servers via the internet".

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The examiner suggests that Kenner et al. in conjunction with Sullivan make the above instant limitation obvious. However, Kenner's invention involves the delivery and download of video clips and the associated subscription management mechanisms. Kenner's subscription management mechanisms refer to the managing and charging for the **bulk delivery** of video clips. This is **completely different** from the Software as a Service limitation of the instant application. As stated on page 14 of the instant patent application, "Software as a Service (SAAS) is a software distribution model in which applications are hosted by a vendor or service provider and made available to customers over a network, typically the Internet." The key word above is "hosted". The actual **software application resides and is hosted on the vendor's remote servers**. This is not related to the bulk download of video clips in Kenner et al. However, in the 9/29/10 Office Action, the examiner states the above limitation resides in the applicant's specification, but not in the applicant's claims. Therefore, independent claims 1 and 15 have been amended to include the above limitation. The amended claim 1 is shown below.

1. A web-based point of sale (POS) builder system 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,
wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web, wherein said web servers can be 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 terminals access said web server software from said vendor's remote servers.

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The amended independent claims clearly state that web server software resides and is hosted on said vendor's remote servers and that the subscriber company's POS terminals access the web server software from the vendor's remote servers. In summary, Sullivan and Kenner do not contain the software subscription model claimed wherein the web server software resides in and is hosted by the vendor's remote servers as stated in the amended independent claims. Therefore, the instant application is not obvious with respect to Sullivan and Kenner and reconsideration of the above rejection of independent claims 1 and 15 is respectfully requested.

Dependent claims 2-14 and 16-28 which depend on independent claims 1 and 15 respectively, which are believed patentable for the reasons given above, are also believed to be unobvious compared to the cited art, and so should be allowed. Reconsideration of the above rejection is therefore respectfully requested.

The examiner is thanked for the thorough review of this patent application. The changes to the specification do not introduce any new matter.

It is requested that should there be any problems with this Amendment, please call the undersigned Attorney at (845) 452-5863.

Respectfully submitted,



Stephen B. Ackerman, Reg. No, 37,761

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PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 12/012,666	Filing Date 02/05/2008	☐ To be Mailed

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			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			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 $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ 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			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT 12/01/2010

	(Column 1)		(Column 2)	(Column 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 28	Minus	** 28	= 0	X $26 =	0	OR	X $ =	
Independent (37 CFR 1.16(h))	* 2	Minus	***3	= 0	X $110 =	0	OR	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

AMENDMENT

	(Column 1)		(Column 2)	(Column 3)					
	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))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

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

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

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

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/DEBORAH PORTER/

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.**

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/012,666	02/05/2008	Wayne Baratta	TY06-004	3905

28112 7590 09/29/2010

SAILE ACKERMAN LLC
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EXAMINER	
ULLAH MASUD, MOHAMMAD R	
ART UNIT	**PAPER NUMBER**
3687	
MAIL DATE	**DELIVERY MODE**
09/29/2010	PAPER

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

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

PTOL-90A (Rev. 04/07)

Office Action Summary	Application No.	Applicant(s)	
	12/012,666	BARATTA ET AL.	
	Examiner	Art Unit	
	MOHAMMAD R. ULLAH MASUD	3687	

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *02 August 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

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

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DETAILED ACTION

This Office action responds to the arguments filed by applicant on August 02, 2010 in reply to the previous Office action on the merits, mailed April 28, 2010.

Prosecution History Summary

- Claims 1- 28 are pending in the instant application.

Claim Rejections - 35 USC § 103

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

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

2. **Claims 1-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan (US 7,015,945) in view of Kenner et al. (US 5,956,716) (hereinafter referred to as Kenner).

With respect to **claims 1, and 15**, Sullivan discloses a similar system, and method of providing, 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 (see, for example, figure 1; column 2 line 53 - column 3 line 20),

one or more local or remote PC workstations (see, for example, figure 1; column 2 line 53- column 3 line 10), and

point of sale builder software which runs on said web server, wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web (see, for example, column 3 lines 8 – 20, lines 44– 46, lines 58 – 62),

Sullivan discloses all the above mentioned limitations and also discloses remote monitoring in figure 1, and in column 2 line 53 – 61, but does not explicitly teach the limitation, wherein said web servers can be provided as a subscription service and made available to subscriber company's POS terminals from remote servers via the internet.

However, Kenner discloses an invention, wherein said web servers can be provided as a subscription service and made available to subscriber company's POS terminals from remote servers via the internet (see, for example, in abstract lines 25 – 29 Kenner discloses that the subscription management mechanisms and in lines 16-21 discloses that it can be provided to subscriber's computer from remoter servers via the internet).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system and method of Sullivan in accordance with the teachings of Kenner, in order to process a point of sale builder system, wherein said web servers can be provided as a subscription service and made available to subscriber company's POS terminals from remote servers via the internet, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

With respect to **claims 2, and 16**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS terminals are implemented

with personal computer (PC) architecture (see, for example, column 2 line 53 - column 3 line 20).

With respect to **claims 3, and 17**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein use of said builder requires no special training (see, for example, column 1 lines 41-50, Sullivan's system and method is automated, so it does not require special training).

With respect to **claims 4, and 18**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein the testing of said POS screens can be done iteratively in real time while said POS terminals are simultaneously in use during store and business operation hours (see, for example, column 2 line 53-column 3 line 10).

With respect to **claims 5, and 19**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein no specialized hardware or software is required to implement said POS builder, and wherein no on site, in-store server is required (see, for example, column 2 line 53-column 3 line 10).

With respect to **claims 6, and 20**, Sullivan discloses the invention, wherein said POS builder is useable to deliver POS application solutions using software as a subscription (SAAS) (see, for example, figure 6, here steps 300, 302, 304, 306, 308 and 310 are the POS applications that are sent in the following steps).

With respect to **claims 7, and 21**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, 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 resides in and is executed from said web server (see, for example column 2 line 58- column 3 line 27, and column 3 line 58-62).

With respect to **claims 8, and 22**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can add new POS screens (see, for example, column 2 lines 62-66).

With respect to **claims 9, and 23**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can edit existing POS screens (see, for example column 2 line 58- column 3 line 27).

With respect to **claims 10, and 24**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can specify and display the number, shape and arrangement of selection keys or buttons on said POS screens (see, for example column 4 lines 27- 38).

With respect to **claims 11, and 25**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can add items to be associated with said keys or buttons (see, for example, column 2 line 58- column 3 line 2, and column 4 lines 27- 38).

With respect to **claims 12, and 26**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can assign attributes such as item name, price, cost, group, taxable and inventory status to said items (see, for example, column 2 line 58- column 3 line 10).

With respect to **claims 13, and 27**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said attributes are stored, retrievable

and changeable from a back office database stored on said web server (see, for example, column 6 lines 4-11, and column 8 line 67- column 9 line 5).

With respect to **claims 14, and 28**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS screens are viewable in real-time at remote locations anywhere in the world via personal computers with browser based web access (see, for example, column 2 lines 58-61, and column 3 lines 58-62).

Response to Arguments

Applicant's arguments filed on August 02, 2010 have been fully considered but they are not persuasive.

Applicant also argues that Kenner's invention "is completely different from the Software as a Service limitation of the instant application. As stated on page 13 of the instant patent application, "Software as a Service (SAAS) is a software distribution model in which applications are hosted by a vendor or service provider and made available to customers over a network, typically the Internet. The key word above is "hosted". The actual software application resides and is hosted on the vendor's remote servers".

Examiner respectfully notes that applicant's arguments refer only to the system described in the above referenced application and not to the individual claims of the application. As such the declaration does not show that the objective evidence of nonobviousness is commensurate in scope with the claims. See MPEP 716.

Examiner also notes that the claimed limitation of all of the independent claims was "wherein web servers can be provided as a subscription service and made available to subscriber

company's POS terminals from remote servers via the internet". In abstract lines 25 – 29 Kenner discloses that the subscription management mechanisms and in lines 16-21 discloses that it can be provided to subscriber's computer from remoter servers via the internet.

The dependent claims depend on the independent claims and are also rejected.

Examiner notes no other arguments or remarks. Accordingly the rejection remains as is.

Conclusion

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

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD R. ULLAH MASUD whose telephone number is (571)270-5390. The examiner can normally be reached on MONDAY TO THURSDAY 9.00 AM TO 5.30 PM (EASTERN TIME).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW S. GART can be reached on (571)272-3955. 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.

/M. R. U./
Examiner, Art Unit 3687

/Matthew S Gart/

Supervisory Patent Examiner, Art Unit 3687

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	5	(("6504481") or ("6847392") or ("6726094") or ("6343739") or ("5895453")).PN.	US-PGPUB; USPAT	OR	OFF	2008/07/10 12:00
S2	1	("20050091124").PN.	US-PGPUB; USPAT	OR	OFF	2008/07/14 13:45
S3	1	("5491511").PN.	US-PGPUB; USPAT	OR	OFF	2008/07/17 16:45
S4	1	("7015945").PN.	US-PGPUB; USPAT	OR	OFF	2008/07/17 17:28
S5	1	("6075560").PN.	US-PGPUB; USPAT	OR	OFF	2008/07/17 18:50
S6	140	(POS (point adj of adj sale) (cash adj register)) and (video adj surveillance)and (database)	US-PGPUB; USPAT	OR	ON	2008/07/18 18:50
S7	31	(POS (point adj of adj sale) (cash adj register)) same (video adj surveillance)and (database)	US-PGPUB; USPAT	OR	ON	2008/07/18 18:50
S8	13	S7 and @py<"2006"	US-PGPUB; USPAT	OR	ON	2008/07/18 18:51
S9	153	(POS (point adj of adj sale) (cash adj register)) and (video adj surveillance)and (database)	US-PGPUB; USPAT	OR	ON	2008/12/21 19:09
S10	74	S9 and @py<"2006"	US-PGPUB; USPAT	OR	ON	2008/12/21 19:09
S12	12461	(hardware software)and (POS (point adj of adj sale) (cash adj register)) and ((web adj server) server)and(database)	US-PGPUB; USPAT	OR	ON	2008/12/21 19:27

S13	6067	((web adj server) server) and(database)same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/21 19:28
S14	3447	(database same((web adj server) server))same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/21 19:30
S15	261	(database same((web adj server) server))same (hardware software)same (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/21 19:30
S16	113	S15 and @py<"2006"	US-PGPUB; USPAT; EPO	OR	OFF	2008/12/21 19:33
S17	1	("20060293978").PN.	US-PGPUB; USPAT	OR	OFF	2008/12/22 16:21
S18	4	(("6851611") or ("7092947") or ("6662193") or ("5399844")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/12/23 16:45
S19	9744	((hand adj held)handheld portable mobile small)and (hardware software)and (POS (point adj of adj sale) (cash adj register)) and ((web adj server) server)and(database)	US-PGPUB; USPAT	OR	ON	2008/12/23 16:47
S20	2088	((hand adj held)handheld portable mobile small)and (hardware software)and (POS (point adj of adj sale) (cash adj register)) same((web adj server) server)and(database)	US-PGPUB; USPAT	OR	ON	2008/12/23 16:53
S21	918	((hand adj held)handheld portable mobile small)and (hardware software)and (POS (point adj of adj sale) (cash adj register)) same((web adj server) server)same(database)	US-PGPUB; USPAT	OR	ON	2008/12/23 16:53
S22	412	S21 and @py<"2006"	US-PGPUB; USPAT; EPO	OR	OFF	2008/12/23 16:53

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S23	5215	(inventory price cost sales void)and ((web adj server) server)and (database)same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/23 20:28
S24	2661	(inventory price cost sales void)same((web adj server) server)and (database)same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/23 20:29
S25	555	(inventory price cost sales void)same((web adj server) server)same (database)same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/23 20:29
S26	297	(inventory price cost sales void)same((web adj server) server)same (database)with(hardware software)and(POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/23 20:29
S28	75	(POS (point adj of adj sale)(cash adj register)) same(inventory price cost sales void)same ((web adj server) server) same(database)with (hardware software)	US-PGPUB; USPAT	OR	ON	2008/12/23 20:31
S29	1	("5557798").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/05/04 15:50
S30	1	("5956716").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/05/05 11:17
S31	24001	(web network remote) adj4(server host database system)same (subscri$9)	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:08
S32	24001	(web network remote) adj4(server host database system)same (subscri$9)	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:08

S33	20435	(web network remote) adj3(server host database system)same (subscri$9)	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:09
S34	9823	(web network remote)adj (server host database system)same(subscri$9)	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:09
S35	13460	(hardware software)and (POS (point adj of adj sale) (cash adj register)) and ((web adj server) server)and(database)	US-PGPUB; USPAT	OR	ON	2009/05/05 12:09
S36	335	S34 and S35	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:09
S37	165	(POS (point adj of adj sale) (cash adj register)) and (video adj surveillance)and (database)	US-PGPUB; USPAT	OR	ON	2009/05/05 12:10
S38	4	S34 and S37	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:10
S39	270	(database same((web adj server) server))same (hardware software)same (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2009/05/05 12:10
S40	4	S34 and S39	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:10
S41	5551	(inventory price cost sales void)and ((web adj server) server)and (database)same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2009/05/05 12:11
S42	126	S34 and S41	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:11
S43	165	(POS (point adj of adj sale) (cash adj register)) and (video adj surveillance)and (database)	US-PGPUB; USPAT	OR	ON	2009/05/05 12:32

S44	168	(POS (point adj of adj sale) (cash adj register)) and (video adj surveillance)and (database)	US-PGPUB; USPAT	OR	ON	2009/06/24 15:57
S45	767	(hardware software)same (POS (point adj of adj sale) (cash adj register)) and ((web adj server) server)and(database)and (subscript$4 subscrib$4)	US-PGPUB; USPAT	OR	ON	2009/06/24 15:59
S46	376	S45 and @py<"2006"	US-PGPUB; USPAT; EPO	OR	OFF	2009/06/24 15:59
S47	643	(hardware software)same (POS (point adj of adj sale) (cash adj register)) and ((web adj server) server)same(database) and (subscript$4 subscrib $4)	US-PGPUB; USPAT	OR	ON	2009/06/24 16:00
S48	318	S47 and @py<"2006"	US-PGPUB; USPAT; EPO	OR	OFF	2009/06/24 16:00
S49	6111	(inventory price cost sales void)and ((web adj server) server)and (database)same (hardware software)and ((cash adj register) POS (point adj of adj sale))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2009/12/08 13:32
S50	3427	S49 and @py<"2007"	US-PGPUB; USPAT; EPO	OR	OFF	2009/12/08 13:33
S51	685	(inventory price cost sales void)and ((web adj server) server)and (database)same (hardware software)same ((cash adj register) POS (point adj of adj sale))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2009/12/08 13:34
S52	304	(inventory price cost sales void)and ((web adj server) server)same (database)same (hardware software)same ((cash adj register) POS (point adj of adj sale))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2009/12/08 13:35

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S53	90	(inventory price cost sales void)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; JPO	OR	ON	2009/12/08 13:35
S54	329	(database same((web adj server) server))same (hardware software)same (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2010/07/23 20:33
S55	113	S54 and @py<"2006"	US-PGPUB; USPAT; EPO	OR	OFF	2010/07/23 20:33
S56	11982	(web network remote)adj (server host database system)same(subscri$9)	US-PGPUB; USPAT; EPO	OR	OFF	2010/09/26 17:35
S57	6964	(inventory price cost sales void)and ((web adj server) server)and (database)same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2010/09/26 17:35
S58	170	S56 and S57	US-PGPUB; USPAT; EPO	OR	OFF	2010/09/26 17:35
S59	341	(database same((web adj server) server))same (hardware software)same (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2010/09/26 17:39
S60	113	S59 and @py<"2006"	US-PGPUB; USPAT; EPO	OR	OFF	2010/09/26 17:39
S61	341	(database same((web adj server) server))same (hardware software)same (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2010/09/26 18:03
S62	113	S61 and @py<"2006"	US-PGPUB; USPAT; EPO; JPO	OR	ON	2010/09/26 18:03

9/26/2010 6:21:49 PM
C:\Documents and Settings\mullahmasud\My Documents\EAST\Workspaces\11710723.wsp

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Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12012666	BARATTA ET AL.
	Examiner	Art Unit
	MOHAMMAD R ULLAH MASUD	3687

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

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	12/23/2008	06/24/2009	04/24/2010	09/25/2010					
	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	✓	✓	✓	✓					
	28	✓	✓	✓	✓					

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Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12012666	BARATTA ET AL.
	Examiner	Art Unit
	MOHAMMAD R ULLAH MASUD	3687

SEARCHED			
Class	Subclass	Date	Examiner
235	375, 383, 385	12/ 24/ 2008	M. R. U.
348	61, 143, 148, 150	12/ 24/ 2008	M. R. U.
705	1, 16, 17, 21, 22, 28, 54	12/ 24/ 2008	M. R. U.
348	12, 150, 161	6/24/2009	M. R. U.
705	22, 28, 35	6/24/2009	M. R. U.
235	375, 379, 383	4/23/2010	M. R. U.
705	1,16, 21, 22, 28, 54	4/23/2010	M. R. U.
235	375, 379, 383	9/25/2010	M. R. U.
705	1,16, 21, 22, 28, 54	9/25/2010	M. R. U.

SEARCH NOTES		
Search Notes	Date	Examiner
EAST	12/ 24/ 2008	M. R. U.
GOOGLE	12/ 24/ 2008	M. R. U.
IDS	12/ 24/ 2008	M. R. U.
NPL	12/ 24/ 2008	M. R. U.
EAST, GOOGLE PATENT, IDS, PLUS SEARCH	6/24/2009	M. R. U.
EAST, GOOGLE PATENT, IDS, PLUS SEARCH	4/23/2010	M. R. U.
EAST, GOOGLE PATENT, IDS, PLUS SEARCH	9/25/2010	M. R. U.

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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OPAP
AUG 02 2010
PATENT & TRADEMARK OFFICE

IFW

July 15, 2010

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

FROM: Stephan B. Ackerman, Reg. No. 37,761
28 Davis Avenue
Poughkeepsie, N.Y. 12603

SUBJECT:
Serial #: 12/012,666
File Date: 02/05/2008
Inventor: Baratta, Wayne
Examiner: Ullah Masud, Mohammad R
Art Unit: 3687
Title: Web-Based Point of Sale Builder

OFFICE ACTION AMENDMENT

This is in response to the office action dated April 28, 2010. Please amend the above-identified application for patent as follows:

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 28, 2010.

Signature _____ July 28, 2010

Stephen B. Ackerman, Reg. No. 37,761

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AMENDMENT

Sir:

In response to the Office Action of April 28, 2010, please amend the above-identified application as follows:

Remarks/Arguments begin on page 3 of this paper.

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REMARKS / ARGUMENTS

Examiner Ullah Masud is thanked for the thorough examination of the subject Patent Application. The claims have been carefully reviewed and are considered to be in condition for allowance.

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 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.

Reconsideration of the rejection of claims 1-28, under 35 U.S.C. 103(a) as being unpatentable over Sullivan (US 7,015,945) in view of Kenner (US 5,956,716) is requested based on the following.

There is nothing in Sullivan or Kenner that suggests the instant application's POS builder system which can build and customize a complete set of point of sale store terminals. This store builder software resides on web servers and interacts with personal

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computer store terminals. Sullivan does not mention any software which builds and customizes point of sale store terminals. The examiner comments that in Sullivan, "Servers 20 store digital files 14 received from clients 12 in databases 18, and provide remote monitoring, reporting, and analysis of financial transactions occurring at client 12". Sullivan (US 7,015,845) does not explicitly use or claim a POS builder system wherein local or remote workstations can be utilized to build said POS terminals from anywhere in the world via the internet, as in the instant applicaton independent claims 1 and 15. It is this explicit mentioning of a POS builder using local or remote workstations "anywhere in the world" in independent claims 1 and 15 that proves that the instant application is not obvious or suggested by Sullivan. The instant application's claim 1 is shown below.

1. A web-based point of sale (POS) builder system 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,
wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web, **wherein said web servers can be provided as a subscription service and made available to subscriber company's POS terminals from remote servers via the internet.**

The examiner correctly states that Sullivan does not teach the limitation, "wherein said back-office system can be provided as a subscription service and made available to subscriber company's POS terminals from remote servers via the internet". The examiner suggests that invention Kenner et al. in conjunction with Sullivan makes the above instant limitation obvious. However, Kenner's invention involves the delivery and download of

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video clips and the associated subscription management mechanisms. Kenner's subscription management mechanisms refer to the managing and charging for the bulk delivery of video clips. This is completely different from the Software as a Service limitation of the instant application. As stated on page 13 of the instant patent application, "Software as a Service (SAAS) is a software distribution model in which applications are hosted by a vendor or service provider and made available to customers over a network, typically the Internet." The key word above is "hosted". The actual software application resides and is hosted on the vendor's remote servers. This is not related to the bulk download of video clips in Kenner et al.

Sullivan does not explicitly use or claim a POS builder system. Also, Sullivan in view of Kenner does not mention or imply that the delivery of a POS builder application via SAAS. Therefore, Sullivan in view of Kenner does not make the instant application obvious. Therefore, reconsideration of the above rejection of independent claims 1 and 15 is respectfully requested.

Dependent claims 2-14 and 16-28 depend on independent claims 1 and 15 respectively, which are believed patentable for the reasons given above. Dependent claims 2-14 and 16-28 therefore are also believed to be patentable over the cited art, and so should be allowed. Reconsideration of the above rejection is therefore respectfully requested.

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The examiner is thanked for the thorough review of this patent application. The changes to the specification do not introduce any new matter.

It is requested that should there be any problems with this Amendment, please call the undersigned Attorney at (845) 452-5863.

Respectfully submitted,



Stephen B. Ackerman, Reg. No, 37,761

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/012,666	02/05/2008	Wayne Baratta	TY06-004	3905

28112 7590 04/28/2010

SAILE ACKERMAN LLC
28 DAVIS AVENUE
POUGHKEEPSIE, NY 12603

EXAMINER	
ULLAH MASUD, MOHAMMAD R	
ART UNIT	**PAPER NUMBER**
3687	
MAIL DATE	**DELIVERY MODE**
04/28/2010	PAPER

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

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

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Office Action Summary	Application No.	Applicant(s)	
	12/012,666	BARATTA ET AL.	
	Examiner	Art Unit	
	MOHAMMAD R. ULLAH MASUD	3687	

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *April 10, 2009 and December 04, 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

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

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DETAILED ACTION

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

Hence, this Office action responds to the arguments filed by applicant on December 04, 2009 in reply to the previous Office action on the merits, mailed June 30, 2009.

Prosecution History Summary

- Claims 1- 28 are pending in the instant application.
- Claims 1 and 15 are amended on April 10, 2009.
- Claims 2 – 14, and 16 – 28 are "Original".

Claim Rejections - 35 USC § 103

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

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

2. **Claims 1-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan (US 7,015,945) in view of Kenner et al. (US 5,956,716) (hereinafter referred to as Kenner).

With respect to **claims 1, and 15**, Sullivan discloses a similar system, and method of providing, 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 (see, for example, figure 1; column 2 line 53 - column 3 line 20),

one or more local or remote PC workstations (see, for example, figure 1; column 2 line 53- column 3 line 10), and

point of sale builder software which runs on said web server, wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web (see, for example, column 3 lines 8 – 20, lines 44– 46, lines 58 – 62),

Sullivan discloses all the above mentioned limitations and also discloses remote monitoring in figure 1, and in column 2 line 53 – 61, but does not explicitly teach the limitation, wherein said web servers can be provided as a subscription service and made available to subscriber company's POS terminals from remote servers via the internet.

However, Kenner discloses an invention, wherein said web servers can be provided as a subscription service and made available to subscriber company's POS terminals from remote servers via the internet (see, for example, in abstract lines 25 – 29 Kenner discloses that the subscription management mechanisms and in lines 16-21 discloses that it can be provided to subscriber's computer from remoter servers via the internet).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system and method of Sullivan in accordance with the teachings of Kenner, in order to process a point of sale builder system, wherein said web servers can be provided as a subscription service and made available to subscriber

company's POS terminals from remote servers via the internet, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

With respect to **claims 2, and 16**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS terminals are implemented with personal computer (PC) architecture (see, for example, column 2 line 53 - column 3 line 20).

With respect to **claims 3, and 17**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein use of said builder requires no special training (see, for example, column 1 lines 41-50, Sullivan's system and method is automated, so it does not require special training).

With respect to **claims 4, and 18**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein the testing of said POS screens can be done iteratively in real time while said POS terminals are simultaneously in use during store and business operation hours (see, for example, column 2 line 53-column 3 line 10).

With respect to **claims 5, and 19**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein no specialized hardware or software is required to implement said POS builder, and wherein no on site, in-store server is required (see, for example, column 2 line 53-column 3 line 10).

With respect to **claims 6, and 20**, Sullivan discloses the invention, wherein said POS builder is useable to deliver POS application solutions using software as a subscription

(SAAS) (see, for example, figure 6, here steps 300, 302, 304, 306, 308 and 310 are the POS applications that are sent in the following steps).

With respect to **claims 7, and 21**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, 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 resides in and is executed from said web server (see, for example column 2 line 58- column 3 line 27, and column 3 line 58-62).

With respect to **claims 8, and 22**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can add new POS screens (see, for example, column 2 lines 62-66).

With respect to **claims 9, and 23**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can edit existing POS screens (see, for example column 2 line 58- column 3 line 27).

With respect to **claims 10, and 24**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can specify and display the number, shape and arrangement of selection keys or buttons on said POS screens (see, for example column 4 lines 27- 38).

With respect to **claims 11, and 25**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can add items to be associated with said keys or buttons (see, for example, column 2 line 58- column 3 line 2, and column 4 lines 27- 38).

With respect to **claims 12, and 26**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can assign attributes such as item name, price, cost, group, taxable and inventory status to said items (see, for example, column 2 line 58- column 3 line 10).

With respect to **claims 13, and 27**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said attributes are stored, retrievable and changeable from a back office database stored on said web server (see, for example, column 6 lines 4-11, and column 8 line 67- column 9 line 5).

With respect to **claims 14, and 28**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS screens are viewable in real-time at remote locations anywhere in the world via personal computers with browser based web access (see, for example, column 2 lines 58-61, and column 3 lines 58-62).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD R. ULLAH MASUD whose telephone number is (571)270-5390. The examiner can normally be reached on MONDAY TO THURSDAY 9.00 AM TO 5.30 PM (EASTERN TIME).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW S. GART can be reached on (571)272-3955. 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.

/M. R. U./
Examiner, Art Unit 3687

/Elaine Gort/
Primary Examiner, Art Unit 3687

Notice of References Cited	Application/Control No. 12/012,666	Applicant(s)/Patent Under Reexamination BARATTA ET AL.	
	Examiner MOHAMMAD R. ULLAH MASUD	Art Unit 3687	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,956,716	09-1999	Kenner et al.	1/1
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

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Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12012666	BARATTA ET AL.
	Examiner	Art Unit
	MOHAMMAD R ULLAH MASUD	3687

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

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	12/23/2008	06/24/2009	04/24/2010						
	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	✓	✓	✓						
	28	✓	✓	✓						

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Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12012666	BARATTA ET AL.
	Examiner	Art Unit
	MOHAMMAD R ULLAH MASUD	3687

SEARCHED			
Class	Subclass	Date	Examiner
235	375, 383, 385	12/ 24/ 2008	M. R. U.
348	61, 143, 148, 150	12/ 24/ 2008	M. R. U.
705	1, 16, 17, 21, 22, 28, 54	12/ 24/ 2008	M. R. U.
348	12, 150, 161	6/24/2009	M. R. U.
705	22, 28, 35	6/24/2009	M. R. U.
235	375, 379, 383	4/23/2010	M. R. U.
705	1,16, 21, 22, 28, 54	4/23/2010	M. R. U.

SEARCH NOTES		
Search Notes	Date	Examiner
EAST	12/ 24/ 2008	M. R. U.
GOOGLE	12/ 24/ 2008	M. R. U.
IDS	12/ 24/ 2008	M. R. U.
NPL	12/ 24/ 2008	M. R. U.
EAST, GOOGLE PATENT, IDS, PLUS SEARCH	6/24/2009	M. R. U.
EAST, GOOGLE PATENT, IDS, PLUS SEARCH	4/23/2010	M. R. U.

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	5	(("6504481") or ("6847392") or ("6726094") or ("6343739") or ("5895453")).PN.	US-PGPUB; USPAT	OR	OFF	2008/07/10 12:00
S2	1	("20050091124").PN.	US-PGPUB; USPAT	OR	OFF	2008/07/14 13:45
S3	1	("5491511").PN.	US-PGPUB; USPAT	OR	OFF	2008/07/17 16:45
S4	1	("7015945").PN.	US-PGPUB; USPAT	OR	OFF	2008/07/17 17:28
S5	1	("6075560").PN.	US-PGPUB; USPAT	OR	OFF	2008/07/17 18:50
S6	140	(POS (point adj of adj sale) (cash adj register)) and (video adj surveillance)and (database)	US-PGPUB; USPAT	OR	ON	2008/07/18 18:50
S7	31	(POS (point adj of adj sale) (cash adj register)) same (video adj surveillance)and (database)	US-PGPUB; USPAT	OR	ON	2008/07/18 18:50
S8	13	S7 and @py<"2006"	US-PGPUB; USPAT	OR	ON	2008/07/18 18:51
S9	153	(POS (point adj of adj sale) (cash adj register)) and (video adj surveillance)and (database)	US-PGPUB; USPAT	OR	ON	2008/12/21 19:09
S10	74	S9 and @py<"2006"	US-PGPUB; USPAT	OR	ON	2008/12/21 19:09
S12	12461	(hardware software)and (POS (point adj of adj sale) (cash adj register)) and ((web adj server) server)and(database)	US-PGPUB; USPAT	OR	ON	2008/12/21 19:27

S13	6067	((web adj server) server) and(database)same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/21 19:28
S14	3447	(database same((web adj server) server))same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/21 19:30
S15	261	(database same((web adj server) server))same (hardware software)same (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/21 19:30
S16	113	S15 and @py<"2006"	US-PGPUB; USPAT; EPO	OR	OFF	2008/12/21 19:33
S17	1	("20060293978").PN.	US-PGPUB; USPAT	OR	OFF	2008/12/22 16:21
S18	4	(("6851611") or ("7092947") or ("6662193") or ("5399844")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/12/23 16:45
S19	9744	((hand adj held)handheld portable mobile small)and (hardware software)and (POS (point adj of adj sale) (cash adj register)) and ((web adj server) server)and(database)	US-PGPUB; USPAT	OR	ON	2008/12/23 16:47
S20	2088	((hand adj held)handheld portable mobile small)and (hardware software)and (POS (point adj of adj sale) (cash adj register)) same((web adj server) server)and(database)	US-PGPUB; USPAT	OR	ON	2008/12/23 16:53
S21	918	((hand adj held)handheld portable mobile small)and (hardware software)and (POS (point adj of adj sale) (cash adj register)) same((web adj server) server)same(database)	US-PGPUB; USPAT	OR	ON	2008/12/23 16:53
S22	412	S21 and @py<"2006"	US-PGPUB; USPAT; EPO	OR	OFF	2008/12/23 16:53

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S23	5215	(inventory price cost sales void)and ((web adj server) server)and (database)same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/23 20:28
S24	2661	(inventory price cost sales void)same((web adj server) server)and (database)same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/23 20:29
S25	555	(inventory price cost sales void)same((web adj server) server)same (database)same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/23 20:29
S26	297	(inventory price cost sales void)same((web adj server) server)same (database)with(hardware software)and(POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/23 20:29
S28	75	(POS (point adj of adj sale)(cash adj register)) same(inventory price cost sales void)same ((web adj server) server) same(database)with (hardware software)	US-PGPUB; USPAT	OR	ON	2008/12/23 20:31
S29	1	("5557798").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/05/04 15:50
S30	1	("5956716").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/05/05 11:17
S31	24001	(web network remote) adj4(server host database system)same (subscri$9)	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:08
S32	24001	(web network remote) adj4(server host database system)same (subscri$9)	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:08

S33	20435	(web network remote) adj3(server host database system)same (subscri$9)	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:09
S34	9823	(web network remote)adj (server host database system)same(subscri$9)	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:09
S35	13460	(hardware software)and (POS (point adj of adj sale) (cash adj register)) and ((web adj server) server)and(database)	US-PGPUB; USPAT	OR	ON	2009/05/05 12:09
S36	335	S34 and S35	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:09
S37	165	(POS (point adj of adj sale) (cash adj register)) and (video adj surveillance)and (database)	US-PGPUB; USPAT	OR	ON	2009/05/05 12:10
S38	4	S34 and S37	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:10
S39	270	(database same((web adj server) server))same (hardware software)same (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2009/05/05 12:10
S40	4	S34 and S39	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:10
S41	5551	(inventory price cost sales void)and ((web adj server) server)and (database)same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2009/05/05 12:11
S42	126	S34 and S41	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:11
S43	165	(POS (point adj of adj sale) (cash adj register)) and (video adj surveillance)and (database)	US-PGPUB; USPAT	OR	ON	2009/05/05 12:32

S44	168	(POS (point adj of adj sale) (cash adj register)) and (video adj surveillance)and (database)	US-PGPUB; USPAT	OR	ON	2009/06/24 15:57
S45	767	(hardware software)same (POS (point adj of adj sale) (cash adj register)) and ((web adj server) server)and(database)and (subscript$4 subscrib$4)	US-PGPUB; USPAT	OR	ON	2009/06/24 15:59
S46	376	S45 and @py<"2006"	US-PGPUB; USPAT; EPO	OR	OFF	2009/06/24 15:59
S47	643	(hardware software)same (POS (point adj of adj sale) (cash adj register)) and ((web adj server) server)same(database) and (subscript$4 subscrib $4)	US-PGPUB; USPAT	OR	ON	2009/06/24 16:00
S48	318	S47 and @py<"2006"	US-PGPUB; USPAT; EPO	OR	OFF	2009/06/24 16:00
S49	6111	(inventory price cost sales void)and ((web adj server) server)and (database)same (hardware software)and ((cash adj register) POS (point adj of adj sale))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2009/12/08 13:32
S50	3427	S49 and @py<"2007"	US-PGPUB; USPAT; EPO	OR	OFF	2009/12/08 13:33
S51	685	(inventory price cost sales void)and ((web adj server) server)and (database)same (hardware software)same ((cash adj register) POS (point adj of adj sale))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2009/12/08 13:34
S52	304	(inventory price cost sales void)and ((web adj server) server)same (database)same (hardware software)same ((cash adj register) POS (point adj of adj sale))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2009/12/08 13:35

S53	90	(inventory price cost sales void)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; JPO	OR	ON	2009/12/08 13:35

4/24/2010 11:40:42 AM
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OIPE IAP40 JAN 04 2010 PATENT & TRADEMARK OFFICE

RCE

PTO/SB/30 (09-08)
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Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	12/012,666
Filing Date	February 5, 2008
First Named Inventor	Baratta, W., et al
Art Unit	3687
Examiner Name	M. R. Ullah Masud
Attorney Docket Number	TY06-004C

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114 Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

   a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

      i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

      ii. ☐ Other _____

   b. ☒ Enclosed

      i. ☒ Amendment/Reply

      ii. ☐ Affidavit(s)/ Declaration(s)

      iii. ☐ Information Disclosure Statement (IDS)

      iv. ☐ Other _____

01/05/2010 SDENBOB3 00000073 190033 12012666
01 FC:2801 405.00 DA

2. Miscellaneous

   a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

   b. ☐ Other _____

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

   a. ☑ The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 19-0033.

      i. ☑ RCE fee required under 37 CFR 1.17(e) $405.

      ii. ☑ Extension of time fee (37 CFR 1.136 and 1.17)

      iii. ☐ Other _____

   b. ☐ Check in the amount of $ _____ enclosed

   c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	/Stephen B. Ackerman/	Date	December 30, 2009
Name (Print/Type)	Stephen B. Ackerman	Registration No.	37,761

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	/Stephen B. Ackerman/		
Name (Print/Type)	Stephen B. Ackerman	Date	December 30, 2009

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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OIPE IAP40 JAN 04 2010 PATENT & TRADEMARK OFFICE

PTO/SB/22 (10-08)
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U.S. Patent and Trademark Office; U.S. DEPARMENT OF COMMERCE
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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2009 (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)	Docket Number (Optional) TY06-004C
Application Number 12/012,666	Filed February 5, 2008
For Web-Based Point of Sale Builder	
Art Unit 3687	Examiner M.R. Ullah Masud

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	
☐ One month (37 CFR 1.17(a)(1))	$130	$65	$
☐ Two months (37 CFR 1.17(a)(2))	$490	$245	$
☒ Three months (37 CFR 1.17(a)(3))	$1110	$555	$ 555.
☐ Four months (37 CFR 1.17(a)(4))	$1730	$865	$
☐ Five months (37 CFR 1.17(a)(5))	$2350	$1175	$

01/05/2010 SDENBOB3 00000073 190033 12012666
02 FC:2253 555.00 DA

☐ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 19-0033.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 37,761

☐ attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____

Signature — Date: December 30, 2009

Stephen B. Ackerman, Reg#37,761 — Typed or printed name

845-452-5863 — Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

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

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OIPE IAP40
JAN 04 2010
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Alexandria, VA 22313-1450

on December 30, 2009
Date

Signature

Stephen B. Ackerman
Typed or printed name of person signing Certificate

37,761
Registration Number, if applicable

845-452-5863
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

This collection of information is required by 37 CFR 1.8. 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 1.8 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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December 23, 2009

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

FROM: Stephan B. Ackerman, Reg. No. 37,761
28 Davis Avenue
Poughkeepsie, N.Y. 12603

SUBJECT:

Serial #:	12/012,666
File Date:	02/05/2008
Inventor:	Baratta, Wayne
Examiner:	Ullah Masud, Mohammad R
Art Unit:	3687
Title:	Web-Based Point of Sale Builder

OFFICE ACTION AMENDMENT

This is in response to the office action dated June 30, 2009. Please amend the above-identified application for patent as follows:

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 30, 2009.

Signature December 30, 2009

Stephen B. Ackerman, Reg. No. 37,761

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AMENDMENT

Sir:

In response to the Office Action of June 30, 2009, please amend the above-identified application as follows:

Remarks/Arguments begin on page 3 of this paper.

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REMARKS / ARGUMENTS

Examiner Ullah Masud is thanked for the thorough examination of the subject Patent Application. The claims have been carefully reviewed and are considered to be in condition for allowance.

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 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.

Reconsideration of the rejection of claims 1-28, under 35 U.S.C. 102(b) as being anticipated by Sullivan (US 7,015,945) is requested based on the following.

The examiner does not disprove that the instant application is novel over Sullivan. The first issue argued is that the instant application's POS builder system which can build and customize a complete set of point of sale store terminals is not novel over Sullivan. This store builder software resides on web servers and interacts with personal computer

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store terminals. Sullivan does not mention any software which builds and customizes point of sale store terminals. The examiner comments that in Sullivan, "Servers 20 store digital files 14 received from clients 12 in databases 18, and provide remote monitoring, reporting, and analysis of financial transactions occurring at client 12". Sullivan (US 7, 015, 845) does not explicitly use or claim a POS builder system wherein local or remote workstations can be utilized to build said POS terminals from anywhere in the world via the internet, as in the instant applicaton independent claims 1 and 15. It is this explicit mentioning of a POS builder using local or remote workstations "anywhere in the world" in independent claims 1 and 15 that limits the instant application's claims to allow the instant application to overcome this 102 rejection over Sullivan. Independent claim 1, which explicitly includes "POS builder system" and "anywhere in the world" and "real time" is shown below.

1. A web-based point of sale (POS) builder system 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,
wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web, **wherein said web servers can be provided as a subscription service and made available to subscriber company's POS terminals from remote servers via the internet.**

The second issue argued is that the instant application's POS builder software subscription service is not novel over Sullivan. In addition, the examiner comments in Sullivan, "Servers 20 store digital files 14 received from clients 12 in databases 18, and

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provide remote monitoring, reporting, and analysis of financial transactions occurring at client 12". However, the above words in Sullivan do not describe the true nature of the initial sale, delivery, distribution and installation of the original application itself via Software Application As a Subscription (SAAS). The communication cited above in Sullivan describes remote servers which monitor, report and analyze transactions occurring at clients. These operations described in Sullivan occur after the application is installed. Sullivan does not mention the initial sale, delivery, distribution and installation of the application from servers to clients which is claimed in the instant application, via the following words from instant claim 1, "**wherein said web servers can be provided as a subscription service and made available to subscriber company's POS terminals from remote servers via the internet.**

Sullivan (US 7, 015, 845) does not explicitly use or claim providing a builder of point of sale terminal systems via a software subscription. In the June 30, 2009 office action, in the rebuttal to dependent claims 6 and 20 on page 3, the examiner states that "Sullivan discloses a similar system ..., wherein said POS builder is useable to deliver POS application solutions using software as a subscription (SAAS) (see, for example, column 3, line 25-27). However, Sullivan in column 3, lines 25-27, does not mention or imply the delivery of a POS builder application via SAAS.

The instant application provides POS builders as software as a service. Client companies purchase a subscription to the instant application's POS builder software, which resides on servers located remotely from the customer's point of sale (POS).

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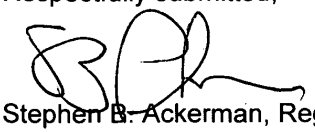
Sullivan does not explicitly use or claim a POS builder system. Sullivan does not deliver any of its applications to subscribers via the internet. Also, Sullivan does not mention or imply that the delivery of a POS builder application via SAAS. Therefore, reconsideration of the above rejection of independent claims 1 and 15 is respectfully requested.

Dependent claims 2-14 and 16-28 depend on independent claims 1 and 15 respectively, which are believed patentable for the reasons given above. Dependent claims 2-14 and 16-28 therefore are also believed to be patentable over the cited art, and so should be allowed. Reconsideration of the above rejection is therefore respectfully requested.

The examiner is thanked for the thorough review of this patent application. The changes to the specification do not introduce any new matter.

It is requested that should there be any problems with this Amendment, please call the undersigned Attorney at (845) 452-5863.

Respectfully submitted,



Stephen B. Ackerman, Reg. No, 37,761

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/012,666	02/05/2008	Wayne Baratta	TY06-004

CONFIRMATION NO. 3905

28112
SAILE ACKERMAN LLC
28 DAVIS AVENUE
POUGHKEEPSIE, NY 12603

PUBLICATION NOTICE



Title: Web-based point of sale builder

Publication No.US-2009-0199154-A1
Publication Date:08/06/2009

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 publically 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 Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, 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 http://pair.uspto.gov/. 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 Managment, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/012,666	02/05/2008	Wayne Baratta	TY06-004	3905

28112 7590 06/30/2009

SAILE ACKERMAN LLC
28 DAVIS AVENUE
POUGHKEEPSIE, NY 12603

EXAMINER	
ULLAH MASUD, MOHAMMAD R	
ART UNIT	**PAPER NUMBER**
3687	
MAIL DATE	**DELIVERY MODE**
06/30/2009	PAPER

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

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

PTOL-90A (Rev. 04/07)

Office Action Summary	Application No.	Applicant(s)	
	12/012,666	BARATTA ET AL.	
	Examiner	Art Unit	
	MOHAMMAD R. ULLAH MASUD	3687	

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *10 April 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

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

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DETAILED ACTION

This Office action responds to the amendment and arguments filed by applicant on April 10, 2009 in reply to the previous Office action on the merits, mailed January 06, 2009.

Prosecution History Summary

- Claims 1- 28 are pending in the instant application.
- Claims 1 and 15 are "Currently Amended".
- Claims 2 – 14, and 16 – 28 are "Original".

Claim Rejections - 35 USC § 102

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

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1 - 28** are rejected under 35 U.S.C. 102(b) as being anticipated by Sullivan (US 7,015,945).

With respect to **claims 1, and 15**, Sullivan discloses a similar system, and method of providing, 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 (see, for example, figure 1; column 2 line 53 - column 3 line 20),

one or more local or remote PC workstations (see, for example, figure 1; column 2 line 53- column 3 line 10), and

point of sale builder software which runs on said web server, wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web (see, for example, column 3 lines 8 – 20, lines 44– 46, lines 58 – 62),

wherein said web servers can be provided as a subscription service and made available to subscriber company's POS terminals from remote servers via the internet(see, for example, figure 1, and in column 2 line 53 – 61 Sullivan discloses "a **video surveillance system 10 that includes clients 12** coupled to servers 20 using a communications network 24. In operation, clients 12 generate digital files 14 that include data, video, and optionally audio associated with financial transactions. Clients 12 communicate digital files 14 to servers 20 using network 24. **Servers 20 store digital files 14 received from clients 12** in databases 18, and **provide** remote monitoring, reporting, and analysis of financial transactions occurring at clients 12", here the servers which stores digital files from clients (subscribers) also provide (deliver) monitoring, reporting, and analysis of financial transactions of clients (subscribers)).

With respect to **claims 2, and 16**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS terminals are

implemented with personal computer (PC) architecture (see, for example, column 2 line 53 - column 3 line 20).

With respect to **claims 3, and 17**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein use of said builder requires no special training (see, for example, column 1 lines 41-50, Sullivan's system and method is automated, so it does not require special training).

With respect to **claims 4, and 18**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein the testing of said POS screens can be done iteratively in real time while said POS terminals are simultaneously in use during store and business operation hours (see, for example, column 2 line 53-column 3 line 10).

With respect to **claims 5, and 19**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein no specialized hardware or software is required to implement said POS builder, and wherein no on site, in-store server is required (see, for example, column 2 line 53-column 3 line 10).

With respect to **claims 6, and 20**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder is useable to deliver POS application solutions using software as a subscription (SAAS) (see, for example, figure 1, and in column 2 line 53 – 61 Sullivan discloses "FIG. 1 illustrates a **video surveillance system 10 that includes clients 12** coupled to servers 20 using a communications network 24. In operation, clients 12 generate digital files 14 that include data, video, and optionally audio associated with financial transactions. Clients 12 communicate digital files 14 to servers 20 using network 24. **Servers 20 store digital**

files 14 received from clients 12 in databases 18, and **provide** remote monitoring, reporting, and analysis of financial transactions occurring at clients 12", here the servers which stores digital files from clients (subscribers) also provide (deliver) monitoring, reporting, and analysis of financial transactions of clients (subscribers)).

With respect to **claims 7, and 21**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, 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 resides in and is executed from said web server (see, for example column 2 line 58- column 3 line 27, and column 3 line 58-62).

With respect to **claims 8, and 22**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can add new POS screens (see, for example, column 2 lines 62-66).

With respect to **claims 9, and 23**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can edit existing POS screens (see, for example column 2 line 58- column 3 line 27).

With respect to **claims 10, and 24**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can specify and display the number, shape and arrangement of selection keys or buttons on said POS screens (see, for example column 4 lines 27- 38).

With respect to **claims 11, and 25**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder

can add items to be associated with said keys or buttons (see, for example, column 2 line 58- column 3 line 2, and column 4 lines 27- 38).

With respect to **claims 12, and 26**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can assign attributes such as item name, price, cost, group, taxable and inventory status to said items (see, for example, column 2 line 58- column 3 line 10).

With respect to **claims 13, and 27**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said attributes are stored, retrievable and changeable from a back office database stored on said web server (see, for example, column 6 lines 4-11, and column 8 line 67- column 9 line 5).

With respect to **claims 14, and 28**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS screens are viewable in real-time at remote locations anywhere in the world via personal computers with browser based web access (see, for example, column 2 lines 58-61, and column 3 lines 58-62).

Response to Arguments

Applicant's arguments filed on April 10, 2009 have been fully considered but they are not persuasive.

Applicant argues that Sullivan does not explicitly use or claim a POS builder system comprising, point of sale builder software which runs on said web server, wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web.

Examiner notes that in column 3 lines 58 – 62 Sullivan discloses that "**Server 20 includes a database management system** and a graphical interface to display, select, analyze, and report on financial transactions occurring at clients 12 that correspond to digital files 14 maintained in database 18" and in column 3 lines 44 – 46 discloses "Station 28 may display in a direct, dedicated, **real-time**, or near real-time fashion data, video, and audio generated at the particular client 12 that generated the alarm condition", and lines 8 -20 discloses "System 10 contemplates any association or arrangement of clients 12 and servers 20 to accomplish **remote** monitoring and analysis of financial transactions. **Network 24 represents** hardware and software used in any suitable communications network or computer network, such as a local area network (LAN), wide area network (WAN), public switched telephone network, integrated services digital network (ISDN), switched-56 telephone network, private branch exchange (PBX), the **global computer network known as the Internet**, or any other appropriate technology or technique that allows components of system 10 to communicate information."

Applicant also argues that Sullivan does not mention or imply the delivery of a POS builder application via SAAS.

Examiner notes that in column 2 line 53 – 61 Sullivan discloses "FIG. 1 illustrates a **video surveillance system 10 that includes clients 12** coupled to servers 20 using a communications network 24. In operation, clients 12 generate digital files 14 that include data, video, and optionally audio associated with financial transactions. Clients 12 communicate digital files 14 to servers 20 using network 24. **Servers 20 store digital files 14 received from clients 12** in databases 18, and **provide** remote monitoring, reporting, and analysis of financial transactions occurring at clients 12", here the servers which stores digital files from clients (subscribers) also provide (deliver) monitoring, reporting, and analysis of financial transactions of clients (subscribers).

Examiner addresses all of the applicable arguments or remarks by the applicant. Referring to examiner's responses the rejections of the claims 1 – 28 are appropriate.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD R. ULLAH MASUD whose telephone number is (571)270-5390. The examiner can normally be reached on MONDAY TO THURSDAY 9.00 AM TO 5.30 PM (EASTERN TIME).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW S. GART can be reached on (571)272-3955. 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.

/M. R. U./
Examiner, Art Unit 3687

/Matthew S Gart/
Supervisory Patent Examiner, Art Unit 3687

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	5	(("6504481") or ("6847392") or ("6726094") or ("6343739") or ("5895453")).PN.	US-PGPUB; USPAT	OR	OFF	2008/07/10 12:00
S2	1	("20050091124").PN.	US-PGPUB; USPAT	OR	OFF	2008/07/14 13:45
S3	1	("5491511").PN.	US-PGPUB; USPAT	OR	OFF	2008/07/17 16:45
S4	1	("7015945").PN.	US-PGPUB; USPAT	OR	OFF	2008/07/17 17:28
S5	1	("6075560").PN.	US-PGPUB; USPAT	OR	OFF	2008/07/17 18:50
S6	140	(POS (point adj of adj sale) (cash adj register)) and (video adj surveillance)and (database)	US-PGPUB; USPAT	OR	ON	2008/07/18 18:50
S7	31	(POS (point adj of adj sale) (cash adj register)) same (video adj surveillance)and (database)	US-PGPUB; USPAT	OR	ON	2008/07/18 18:50
S8	13	S7 and @py<"2006"	US-PGPUB; USPAT	OR	ON	2008/07/18 18:51
S9	153	(POS (point adj of adj sale) (cash adj register)) and (video adj surveillance)and (database)	US-PGPUB; USPAT	OR	ON	2008/12/21 19:09
S10	74	S9 and @py<"2006"	US-PGPUB; USPAT	OR	ON	2008/12/21 19:09
S12	12461	(hardware software)and (POS (point adj of adj sale) (cash adj register)) and ((web adj server) server)and(database)	US-PGPUB; USPAT	OR	ON	2008/12/21 19:27
S13	6067	((web adj server) server) and(database)same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/21 19:28

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S14	3447	(database same((web adj server) server))same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/21 19:30
S15	261	(database same((web adj server) server))same (hardware software)same (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/21 19:30
S16	113	S15 and @py<"2006"	US-PGPUB; USPAT; EPO	OR	OFF	2008/12/21 19:33
S17	1	("20060293978").PN.	US-PGPUB; USPAT	OR	OFF	2008/12/22 16:21
S18	4	(("6851611") or ("7092947") or ("6662193") or ("5399844")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/12/23 16:45
S19	9744	((hand adj held)handheld portable mobile small)and (hardware software)and (POS (point adj of adj sale) (cash adj register)) and ((web adj server) server)and(database)	US-PGPUB; USPAT	OR	ON	2008/12/23 16:47
S20	2088	((hand adj held)handheld portable mobile small)and (hardware software)and (POS (point adj of adj sale) (cash adj register)) same((web adj server) server)and(database)	US-PGPUB; USPAT	OR	ON	2008/12/23 16:53
S21	918	((hand adj held)handheld portable mobile small)and (hardware software)and (POS (point adj of adj sale) (cash adj register)) same((web adj server) server)same(database)	US-PGPUB; USPAT	OR	ON	2008/12/23 16:53
S22	412	S21 and @py<"2006"	US-PGPUB; USPAT; EPO	OR	OFF	2008/12/23 16:53
S23	5215	(inventory price cost sales void)and ((web adj server) server)and (database)same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/23 20:28

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S24	2661	(inventory price cost sales void)same((web adj server) server)and (database)same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/23 20:29
S25	555	(inventory price cost sales void)same((web adj server) server)same (database)same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/23 20:29
S26	297	(inventory price cost sales void)same((web adj server) server)same (database)with(hardware software)and(POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/23 20:29
S28	75	(POS (point adj of adj sale)(cash adj register)) same(inventory price cost sales void)same ((web adj server) server) same(database)with (hardware software)	US-PGPUB; USPAT	OR	ON	2008/12/23 20:31
S29	1	("5557798").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/05/04 15:50
S30	1	("5956716").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/05/05 11:17
S31	24001	(web network remote) adj4(server host database system)same (subscri$9)	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:08
S32	24001	(web network remote) adj4(server host database system)same (subscri$9)	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:08
S33	20435	(web network remote) adj3(server host database system)same (subscri$9)	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:09
S34	9823	(web network remote)adj (server host database system)same(subscri$9)	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:09

S35	13460	(hardware software)and (POS (point adj of adj sale) (cash adj register)) and ((web adj server) server)and(database)	US-PGPUB; USPAT	OR	ON	2009/05/05 12:09
S36	335	S34 and S35	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:09
S37	165	(POS (point adj of adj sale) (cash adj register)) and (video adj surveillance)and (database)	US-PGPUB; USPAT	OR	ON	2009/05/05 12:10
S38	4	S34 and S37	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:10
S39	270	(database same((web adj server) server))same (hardware software)same (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2009/05/05 12:10
S40	4	S34 and S39	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:10
S41	5551	(inventory price cost sales void)and ((web adj server) server)and (database)same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2009/05/05 12:11
S42	126	S34 and S41	US-PGPUB; USPAT; EPO	OR	OFF	2009/05/05 12:11
S43	165	(POS (point adj of adj sale) (cash adj register)) and (video adj surveillance)and (database)	US-PGPUB; USPAT	OR	ON	2009/05/05 12:32
S44	168	(POS (point adj of adj sale) (cash adj register)) and (video adj surveillance)and (database)	US-PGPUB; USPAT	OR	ON	2009/06/24 15:57

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S45	767	(hardware software)same (POS (point adj of adj sale) (cash adj register)) and ((web adj server) server)and(database)and (subscript$4 subscrib$4)	US-PGPUB; USPAT	OR	ON	2009/06/24 15:59
S46	376	S45 and @py<"2006"	US-PGPUB; USPAT; EPO	OR	OFF	2009/06/24 15:59
S47	643	(hardware software)same (POS (point adj of adj sale) (cash adj register)) and ((web adj server) server)same(database) and (subscript$4 subscrib $4)	US-PGPUB; USPAT	OR	ON	2009/06/24 16:00
S48	318	S47 and @py<"2006"	US-PGPUB; USPAT; EPO	OR	OFF	2009/06/24 16:00

6/24/2009 4:01:51 PM
C:\Documents and Settings\mullahmasud\My Documents\EAST\Workspaces\11710723.wsp

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Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12012666	BARATTA ET AL.
	Examiner	Art Unit
	MOHAMMAD R ULLAH MASUD	3687

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

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	12/23/2008	06/24/2009							
	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	✓	✓							
	28	✓	✓							

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Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12012666	BARATTA ET AL.
	Examiner	Art Unit
	MOHAMMAD R ULLAH MASUD	3687

SEARCHED			
Class	Subclass	Date	Examiner
235	375, 383, 385	12/ 24/ 2008	M. R. U.
348	61, 143, 148, 150	12/ 24/ 2008	M. R. U.
705	1, 16, 17, 21, 22, 28, 54	12/ 24/ 2008	M. R. U.
348	12, 150, 161	6/24/2009	M. R. U.
705	22, 28, 35	6/24/2009	M. R. U.

SEARCH NOTES		
Search Notes	Date	Examiner
EAST	12/ 24/ 2008	M. R. U.
GOOGLE	12/ 24/ 2008	M. R. U.
IDS	12/ 24/ 2008	M. R. U.
NPL	12/ 24/ 2008	M. R. U.
EAST, GOOGLE PATENT, IDS, PLUS SEARCH	6/24/2009	M. R. U.

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

TY06-004



Application no. 12/012,666

IFW

April 6, 2009

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

FROM: Stephan B. Ackerman, Reg. No. 37,761
28 Davis Avenue
Poughkeepsie, N.Y. 12603

SUBJECT:

Serial #:	12/012,666
File Date:	02/05/2008
Inventor:	Baratta, Wayne
Examiner:	Ullah Masud, Mohammad R
Art Unit:	3687
Title:	Web-Based Point of Sale Builder

OFFICE ACTION AMENDMENT

This is in response to the office action dated January 6, 2009. Please amend the above-identified application for patent as follows:

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 6, 2009.

Signature _____ April 6, 2009

Stephen B. Ackerman, Reg. No. 37,761

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AMENDMENT

Sir:

In response to the Office Action of January 6, 2009, please amend the above-identified application as follows:

Amendments to the Claims begin on page 3 of this paper.

Remarks/Arguments begin on page 9 of this paper.

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Amendments to the Claims:

1. (CURRENTLY AMENDED) A web-based point of sale (POS) builder system 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,

wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web, wherein said web servers can be provided as a subscription service and made available to subscriber company's POS terminals from remote servers via the internet...

2. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein said POS terminals are implemented with personal computer (PC) architecture.

3. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein use of said builder requires no special training.

4. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein the testing of said POS screens can be done iteratively in real time while said POS terminals are simultaneously in use during store and business operation hours.

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5. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein no specialized hardware or software is required to implement said POS builder, and wherein no on site, in-store server is required.

6. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein said POS builder is useable to deliver POS application solutions using software as a subscription (SAAS).

7. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 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 resides in and is executed from said web server.

8. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein said POS builder can add new POS screens.

9. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein said POS builder can edit existing POS screens.

10. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein said POS builder can specify and display the number, shape and arrangement of selection keys or buttons on said POS screens.

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11. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1 wherein said POS builder can add items to be associated with said keys or buttons.

12. (ORIGINAL) The web-based point of sale (POS) builder system of claim 11 wherein said POS builder can assign attributes such as item name, price, cost, group, taxable and inventory status to said items.

13. (ORIGINAL) The web-based point of sale (POS) builder system of claim 12 wherein said attributes are stored, retrievable and changeable from a back office database stored on said web server.

14. (ORIGINAL) The web-based point of sale (POS) builder system of claim 1, wherein said POS screens are viewable in real-time at remote locations anywhere in the world via personal computers with browser based web access.

15. (CURRENTLY AMENDED) A method of providing a web-based point of sale (POS) builder comprising the steps of:

providing one or more point of sale terminals, which display POS screens,

providing an internet connection to a web server,

providing one or more local or remote PC workstations, and

providing point of sale builder software which runs on said web server,

wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web.

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wherein said web servers can be provided as a subscription service and made available to subscriber company's POS terminals from remote servers via the internet...

16. (ORIGINAL) The method of providing a web-based point of sale (POS) builder of claim 15 wherein said POS terminals are implemented with personal computer (PC) architecture.

17. (ORIGINAL) The method of providing a web-based point of sale (POS) builder of claim 15 wherein use of said builder requires no special training.

18. (ORIGINAL) The method of providing a web-based point of sale (POS) builder of claim 15 wherein the testing of said POS screens can be done iteratively in real time while said POS terminals are simultaneously in use during store and business operation hours.

19. (ORIGINAL) The method of providing a web-based point of sale (POS) builder of claim 15 wherein no specialized hardware or software is required to implement said POS builder, and wherein no on site, in-store server is required.

20. (ORIGINAL) The method of providing a web-based point of sale (POS) builder of claim 15 wherein said POS builder is useable to deliver POS application solutions using software as a subscription (SAAS).

21. (ORIGINAL) The method of providing a web-based point of sale (POS) builder of

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claim 15 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 resides in and is executed from said web server.

22. (ORIGINAL) The method of providing a web-based point of sale (POS) builder of claim 15 wherein said POS builder can add new POS screens.

23. (ORIGINAL) The method of providing a web-based point of sale (POS) builder of claim 15 wherein said POS builder can edit existing POS screens.

24. (ORIGINAL) The method of providing a web-based point of sale (POS) builder of claim 15 wherein said POS builder can specify and display the number, shape and arrangement of selection keys or buttons on said POS screens.

25. (ORIGINAL) The method of providing a web-based point of sale (POS) builder of claim 15 wherein said POS builder can add items to be associated with said keys or buttons.

26. (ORIGINAL) The method of providing a web-based point of sale (POS) builder of claim 25 wherein said POS builder can assign attributes such as item name, price, cost, group, taxable and inventory status to said items.

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27. (ORIGINAL) The method of providing a web-based point of sale (POS) builder of claim 26 wherein said attributes are stored, retrievable and changeable from a back office database stored on said web server.

28. (ORIGINAL) The method of providing web-based point of sale (POS) builder system of claim 15, wherein said POS screens are viewable in real-time at remote locations anywhere in the world via personal computers with browser based web access.

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REMARKS / ARGUMENTS

Examiner Ullah Masud is thanked for the thorough examination of the subject Patent Application. The claims have been carefully reviewed and are considered to be in condition for allowance.

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 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.

Reconsideration of the rejection of claims 1-28, under 35 U.S.C. 102(b) as being anticipated by Sullivan (US 7,015,945) is requested based on the following.

Sullivan (US 7, 015, 845) does not explicitly use or claim a POS builder system wherein local or remote workstations can be utilized to build or edit said POS terminals from anywhere in the world via the internet, as in the instant applicaton independent claims 1 and 15. It is this explicit mentioning of a POS builder using local or remote

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workstations "anywhere in the world" in independent claims 1 and 15 that limits the instant application's claims to allow the instant application to overcome this 102 rejection over Sullivan. In addition, the explicit use and mentioning of "real time" POS building in independent claims 1 and 15 is a further explicit claim limitation which should allow the instant application to overcome the 102 rejection. Independent claim 1, which explicitly includes "anywhere in the world" and "real time" is shown below.

In addition, Sullivan (US 7, 015, 845) does not explicitly use or claim providing a web servers via a software subscription. In the January 6, 2009 office action, in the rebuttal to dependent claims 6 and 20 on page 3, the examiner states that "Sullivan discloses a similar system ..., wherein said POS builder is useable to deliver POS application solutions using software as a subscription (SAAS) (see, for example, column 3, line 25-27). However, Sullivan in column 3, lines 25-27, does not mention or imply the delivery of a POS builder application via SAAS.

The instant application provides web servers as software as a service. Client companies purchase a subscription to the instant application's web server software, which resides on servers located remotely from the customer's point of sale (POS) terminals. This subscription service is made available to customers over a network, typically the Internet. The instant application's independent claims 1 and 15 have been amended to include this software subscription limitation, which was originally supported in the specification. The amendments to independent claims 1 and 15 allow the instant

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application to overcome this 102 rejection over Sullivan. The amended independent claim 1 is shown below. The added limitation is highlighted.

1. A web-based point of sale (POS) builder system 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,
wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web,
wherein said web servers can be provided as a subscription service and made available to subscriber company's POS terminals from remote servers via the internet.

Sullivan does not explicitly use or claim a POS builder system. In addition, Sullivan is not built around the Internet and therefore has very different results and more limited utility than the instant application. For example, Sullivan's remote checking of the status of the system is limited to computers on a general network. This general network results in limited range for the person trying to build or edit POS terminal software in real time from anywhere in the world. In addition, Sullivan does not deliver any of its applications to subscribers via the internet. Also, Sullivan does not mention or imply that the delivery of a POS builder application via SAAS. Therefore, reconsideration of the above rejection of independent claims 1 and 15 is respectfully requested.

Dependent claims 2-14 and 16-28 depend on independent claims 1 and 15 respectively, which are believed patentable for the reasons given above. Dependent claims 2-14 and 16-28 therefore are also believed to be patentable over the cited art, and

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so should be allowed. Reconsideration of the above rejection is therefore respectfully requested.

The examiner is thanked for the thorough review of this patent application. The changes to the specification do not introduce any new matter.

It is requested that should there be any problems with this Amendment, please call the undersigned Attorney at (845) 452-5863.

Respectfully submitted,



Stephen B. Ackerman, Reg. No, 37,761

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PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
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.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 12/012,666	Filing Date 02/05/2008	☐ To be Mailed

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			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			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 $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ 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			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT 04/10/2009

	(Column 1)		(Column 2)	(Column 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 28	Minus	** 28	=	X $ =		OR	X $ =	
Independent (37 CFR 1.16(h))	* 3	Minus	***3	=	X $ =		OR	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

AMENDMENT

	(Column 1)		(Column 2)	(Column 3)					
	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))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

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

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

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

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/TARA J. WITCHER/

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.**

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/012,666	02/05/2008	Wayne Baratta	TY06-004	3905

28112 7590 01/06/2009

SAILE ACKERMAN LLC
28 DAVIS AVENUE
POUGHKEEPSIE, NY 12603

EXAMINER	
ULLAH MASUD, MOHAMMAD R	
ART UNIT	**PAPER NUMBER**
3687	
MAIL DATE	**DELIVERY MODE**
01/06/2009	PAPER

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

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

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Office Action Summary	Application No.	Applicant(s)	
	12/012,666	BARATTA ET AL.	
	Examiner	Art Unit	
	MOHAMMAD R. ULLAH MASUD	3687	

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

Period for Reply

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

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

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *08/ 08/ 2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

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

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-28** are rejected under 35 U.S.C. 102(b) as being anticipated by Sullivan (US 7,015,945).

With respect to **claims 1, and 15**, Sullivan discloses a similar system, and method of providing, 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 (see, for example, figure 1; column 2 line 53-column 3 line 20),

one or more local or remote PC workstations (see, for example, figure 1; column 2 line 53-column 3 line 10), and

point of sale builder software which runs on said web server, wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web (see, for example, column 2 line 53-column 3 line 20, and column 8 lines 19-25).

With respect to **claims 2, and 16**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS terminals are implemented with personal computer (PC) architecture (see, for example, column 2 line 53-column 3 line 20).

With respect to **claims 3, and 17**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein use of said builder requires no special training (see, for example, column 1 lines 41-50, Sullivan's system and method is automated, so it does not require special training).

With respect to **claims 4, and 18**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein the testing of said POS screens can be done iteratively in real time while said POS terminals are simultaneously in use during store and business operation hours (see, for example, column 2 line 53-column 3 line 10).

With respect to **claims 5, and 19**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein no specialized hardware or software is required to implement said POS builder, and wherein no on site, in-store server is required (see, for example, column 2 line 53-column 3 line 10).

With respect to **claims 6, and 20**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder is useable to deliver POS application solutions using software as a subscription (SAAS) (see, for example, column 3 line 25-27).

With respect to **claims 7, and 21**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, 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 resides in and is executed from said web server (see, for example column 2 line 58- column 3 line 27, and column 3 line 58-62).

With respect to **claims 8, and 22**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can add new POS screens (see, for example, column 2 lines 62-66).

With respect to **claims 9, and 23**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can edit existing POS screens (see, for example column 2 line 58- column 3 line 27).

With respect to **claims 10, and 24**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can specify and display the number, shape and arrangement of selection keys or buttons on said POS screens (see, for example column 4 lines 27- 38).

With respect to **claims 11, and 25**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can add items to be associated with said keys or buttons (see, for example, column 2 line 58- column 3 line 2, and column 4 lines 27- 38).

With respect to **claims 12, and 26**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS builder can assign attributes such as item name, price, cost, group, taxable and inventory status to said items (see, for example, column 2 line 58- column 3 line 10).

With respect to **claims 13, and 27**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said attributes are stored, retrievable

and changeable from a back office database stored on said web server (see, for example, column 6 lines 4-11, and column 8 line 67- column 9 line 5).

With respect to **claims 14, and 28**, Sullivan discloses a similar system and method of providing, a web-based point of sale (POS) builder, wherein said POS screens are viewable in real-time at remote locations anywhere in the world via personal computers with browser based web access (see, for example, column 2 lines 58-61, and column 3 lines 58-62).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD R. ULLAH MASUD whose telephone number is (571)270-5390. The examiner can normally be reached on MONDAY TO THURSDAY 9.00 AM TO 5.30 PM (EASTERN TIME).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW S. GART can be reached on (571)272-3955. 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.

/M. R. U./
Examiner, Art Unit 3687

/Matthew S Gart/
Supervisory Patent Examiner, Art Unit 3687

Notice of References Cited	Application/Control No. 12/012,666	Applicant(s)/Patent Under Reexamination BARATTA ET AL.	
	Examiner MOHAMMAD R. ULLAH MASUD	Art Unit 3687	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-7,015,945	03-2006	Sullivan, Patrick J.	348/150
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

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	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

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

CloudofChange 2024
Clover Network, LLC v. CloudofChange, LLC
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Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12012666	BARATTA ET AL.
	Examiner	Art Unit
	MOHAMMAD R ULLAH MASUD	3687

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

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	12/23/2008								
	1	✓								
	2	✓								
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	4	✓								
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	27	✓								
	28	✓								

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Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12012666	BARATTA ET AL.
	Examiner	Art Unit
	MOHAMMAD R ULLAH MASUD	3687

SEARCHED			
Class	Subclass	Date	Examiner
235	375, 383, 385	12/ 24/ 2008	M. R. U.
348	61, 143, 148, 150	12/ 24/ 2008	M. R. U.
705	1, 16, 17, 21, 22, 28, 54	12/ 24/ 2008	M. R. U.

SEARCH NOTES		
Search Notes	Date	Examiner
EAST	12/ 24/ 2008	M. R. U.
GOOGLE	12/ 24/ 2008	M. R. U.
IDS	12/ 24/ 2008	M. R. U.
NPL	12/ 24/ 2008	M. R. U.

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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CONFIRMATION NO. 3905

SERIAL NUMBER	FILING or 371(c) DATE RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
12/012,666	02/05/2008	235	3687	TY06-004

APPLICANTS
Wayne Baratta, Poughkeepsie, NY;
Quentin Olson, Poulsbo, WA;

** **CONTINUING DATA** **********

** **FOREIGN APPLICATIONS** **********

** **IF REQUIRED, FOREIGN FILING LICENSE GRANTED** ** SMALL ENTITY **
03/08/2008

Foreign Priority claimed	35 USC 119(a-d) conditions met	Verified and Acknowledged	Met after Allowance	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
☐ Yes ☑ No	☐ Yes ☑ No	/MOHAMMAD R ULLAH MASUD/ Examiner's Signature	☐ Initials	NY	5	28	2

ADDRESS
SAILE ACKERMAN LLC
28 DAVIS AVENUE
POUGHKEEPSIE, NY 12603
UNITED STATES

TITLE
Web-based point of sale builder

FILING FEE RECEIVED		
780	FEES: Authority has been given in Paper No._____ to charge/credit DEPOSIT ACCOUNT No._____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

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EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	5	(("6504481") or ("6847392") or ("6726094") or ("6343739") or ("5895453")).PN.	US-PGPUB; USPAT	OR	OFF	2008/07/10 12:00
S2	1	("20050091124").PN.	US-PGPUB; USPAT	OR	OFF	2008/07/14 13:45
S3	1	("5491511").PN.	US-PGPUB; USPAT	OR	OFF	2008/07/17 16:45
S4	1	("7015945").PN.	US-PGPUB; USPAT	OR	OFF	2008/07/17 17:28
S5	1	("6075560").PN.	US-PGPUB; USPAT	OR	OFF	2008/07/17 18:50
S6	140	(POS (point adj of adj sale) (cash adj register)) and (video adj surveillance)and (database)	US-PGPUB; USPAT	OR	ON	2008/07/18 18:50
S7	31	(POS (point adj of adj sale) (cash adj register)) same (video adj surveillance)and (database)	US-PGPUB; USPAT	OR	ON	2008/07/18 18:50
S8	13	S7 and @py<"2006"	US-PGPUB; USPAT	OR	ON	2008/07/18 18:51
S9	153	(POS (point adj of adj sale) (cash adj register)) and (video adj surveillance)and (database)	US-PGPUB; USPAT	OR	ON	2008/12/21 19:09
S10	74	S9 and @py<"2006"	US-PGPUB; USPAT	OR	ON	2008/12/21 19:09
S12	12461	(hardware software)and (POS (point adj of adj sale) (cash adj register)) and ((web adj server) server)and(database)	US-PGPUB; USPAT	OR	ON	2008/12/21 19:27
S13	6067	((web adj server) server) and(database)same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/21 19:28

S14	3447	(database same((web adj server) server))same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/21 19:30
S15	261	(database same((web adj server) server))same (hardware software)same (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/21 19:30
S16	113	S15 and @py<"2006"	US-PGPUB; USPAT; EPO	OR	OFF	2008/12/21 19:33
S17	1	("20060293978").PN.	US-PGPUB; USPAT	OR	OFF	2008/12/22 16:21
S18	4	(("6851611") or ("7092947") or ("6662193") or ("5399844")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/12/23 16:45
S19	9744	((hand adj held)handheld portable mobile small)and (hardware software)and (POS (point adj of adj sale) (cash adj register)) and ((web adj server) server)and(database)	US-PGPUB; USPAT	OR	ON	2008/12/23 16:47
S20	2088	((hand adj held)handheld portable mobile small)and (hardware software)and (POS (point adj of adj sale) (cash adj register)) same((web adj server) server)and(database)	US-PGPUB; USPAT	OR	ON	2008/12/23 16:53
S21	918	((hand adj held)handheld portable mobile small)and (hardware software)and (POS (point adj of adj sale) (cash adj register)) same((web adj server) server)same(database)	US-PGPUB; USPAT	OR	ON	2008/12/23 16:53
S22	412	S21 and @py<"2006"	US-PGPUB; USPAT; EPO	OR	OFF	2008/12/23 16:53
S23	5215	(inventory price cost sales void)and ((web adj server) server)and (database)same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/23 20:28

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S24	2661	(inventory price cost sales void)same((web adj server) server)and (database)same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/23 20:29
S25	555	(inventory price cost sales void)same((web adj server) server)same (database)same (hardware software)and (POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/23 20:29
S26	297	(inventory price cost sales void)same((web adj server) server)same (database)with(hardware software)and(POS (point adj of adj sale) (cash adj register))	US-PGPUB; USPAT	OR	ON	2008/12/23 20:29
S28	75	(POS (point adj of adj sale)(cash adj register)) same(inventory price cost sales void)same ((web adj server) server) same(database)with (hardware software)	US-PGPUB; USPAT	OR	ON	2008/12/23 20:31

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Receipt date: 08/08/2008
AUG 08 2008
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Sheet 1 of 2

Complete if Known	
Application Number	12/012,666
Filing Date	02/05/08
First Named Inventor	Wayne Baratta et al.
Art Unit	2876
Examiner Name	
Attorney Docket Number	TY06-004

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	US- 5,818,428	10-06-1998	Eisenbrandt et al.	
	2	US- 6,629,080	09-30-2003	Kolls	
	3	US- 7,051,091	05-23-2006	Cohen et al.	
	4	US- 5,987,426	11-16-1999	Goodwin, III	
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Examiner Signature	/Mohammad Ullah Masud/	Date Considered	12/23/2008

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Application Number	12/012,666
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Art Unit	2876
Examiner Name	
Attorney Docket Number	TY06-004

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.[1]	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T[2]
	1	IBM 4690 ASTRA - Graphical User Interface (GUI) - Specifications, found 02/08/2008, htp://www-03.ibm.com/roducts/retail/product/sofware/gui/astra/specs.html, 1 page.	
	2	Soft32Download, db2k e-Store Builder 3.00 details, Localsoft Tech, found 02/08/2008, http://www.soft32download.com/software/db2k-e-Store-Builder-download-details.html, pp. 1-3	
	3	Co-pending US Patent TY06-003, Serial # 12/012,393, Filed 02/01/08, "Hand-Held Web Browser Inventory Checking System," assigned to the same assignee as the present invention.	
	4	Co-pending US Patent TY06-001, Serial # 11/710,722, Filed 02/26/07, "Point of Sale System with Web-Based Back-Office," assigned to the same assignee as the present invention.	
	5	Co-pending US Patent TY06-002, serial # 11/710,723, Filed 02/26/07, "Point of Sale Video Server Processing System, assigned to the same assignee as the present invention.	

Examiner Signature	/Mohammad Ullah Masud/	Date Considered	12/23/2008

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APPLICATION NUMBER	PATENT NUMBER	GROUP ART UNIT	FILE WRAPPER LOCATION
12/012,666		2192	

OC000000032776861

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- **Maintenance Fee Address**
- **Power of Attorney Address**

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	3	US- 7,051,091	05-23-2006	Cohen et al.	
	4	US- 5,987,426	11-16-1999	Goodwin, III	
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Application Number	12/012,666
Filing Date	02/05/08
First Named Inventor	Wayne Baratta et al.
Art Unit	2876
Examiner Name	
Attorney Docket Number	TY06-004

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.[1]	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T[2]
	1	IBM 4690 ASTRA - Graphical User Interface (GUI) - Specifications, found 02/08/2008, htp://www-03.ibm.com/roducts/retail/product/sofware/gui/astra/specs.html, 1 page.	
	2	Soft32Download, db2k e-Store Builder 3.00 details, Localsoft Tech, found 02/08/2008, http://www.soft32download.com/software/db2k-e-Store-Builder-download-details.html, pp. 1-3	
	3	Co-pending US Patent TY06-003, Serial # 12/012,393, Filed 02/01/08, "Hand-Held Web Browser Inventory Checking System," assigned to the same assignee as the present invention.	
	4	Co-pending US Patent TY06-001, Serial # 11/710,722, Filed 02/26/07, "Point of Sale System with Web-Based Back-Office," assigned to the same assignee as the present invention.	
	5	Co-pending US Patent TY06-002, serial # 11/710,723, Filed 02/26/07, "Point of Sale Video Server Processing System, assigned to the same assignee as the present invention.	

Examiner Signature		Date Considered	

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

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, 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 (1-800-786-9199) and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

August 1, 2008

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

FROM: Stephen B. Ackerman, Reg. No. 37,761
28 Davis Avenue
Poughkeepsie, N.Y. 12603

SUBJECT:
Serial #: 12/012,666
File Date: 02/05/08
Inventor: Wayne Baratta et al.
Examiner:
Art Unit: 2876
Title: WEB-BASED POINT OF SALE BUILDER

INFORMATION DISCLOSURE STATEMENT
IN ACCORDANCE WITH 37 C.F.R. § 1.97-1.98

Dear Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. §1.56, Applicant is submitting information listed on the attached Form PTO-1449 which may be material to the examination of the subject pending US patent application. Applicants request that the information listed on the attached Form PTO-1449 be considered by the Examiner, made

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 5, 2008.

Signature _____ Date: 8/5/08
Stephen B. Ackerman, Reg. No. 37,761

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of record in the file history of the subject application and that a copy of the enclosed Form PTO-1449 be initialed and returned indicating that such information has been considered.

The filing of this Statement is not to be construed as a representation that a search was made regarding the claimed invention or that no other possibly material information exists. In addition, the filing of this Statement is not to be construed as an admission that any of the references, singly or in any combination thereof, is effective as prior art against the subject application, or is/are considered to be material to patentability.

Respectfully submitted,

Stephen B. Ackerman, Reg. No, 37,761
(845) 452-5863

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UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/012,666	02/05/2008	2876	780	TY06-004	28	2

CONFIRMATION NO. 3905

28112
SAILE ACKERMAN LLC
28 DAVIS AVENUE
POUGHKEEPSIE, NY 12603

UPDATED FILING RECEIPT

OC000000031292222

Date Mailed: 07/31/2008

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**

Applicant(s)

Wayne Baratta, Poughkeepsie, NY;
Quentin Olson, Poulsbo, WA;

Power of Attorney:
Stephen Ackerman--37761
Rosemary Pike--39332
Larry Prescott--39335
Billy Knowles--42752

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 03/08/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/012,666**

Projected Publication Date: 08/06/2009

Non-Publication Request: No

Early Publication Request: No
** **SMALL ENTITY** **

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Title

Web-based point of sale builder

Preliminary Class

235

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 (1-866-999-4158).

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).

IFW

MAR 19 2008

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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/012,666	02/05/2008	Wayne Baratta	TY06-004

CONFIRMATION NO. 3905

28112
SAILE ACKERMAN LLC
28 DAVIS AVENUE
POUGHKEEPSIE, NY 12603

OIPE JUL 16 2008 PATENT & TRADEMARK OFFICE

FORMALITIES LETTER

OC000000028752434

Date Mailed: 03/12/2008

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
  A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
  Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The substitute specification must be submitted with markings and be accompanied by a clean version (without markings) as set forth in 37 CFR 1.125(c) and a statement that the substitute specification contains no new matter (see 37 CFR 1.125(b)). The specification, claims, and/or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
  - The line spacing on the specification, claims, and/or abstract is not 1½ or double spaced (see 37 CFR 1.52(b)).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

07/17/2008 WASFAW1 00000001 190033 12012666
01 FC:2051 65.00 DA

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- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of **$65** for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$65** for a small entity
- **$65** Surcharge.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/llvuong/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

OIPE
JUL 16 2008
PATENT & TRADEMARK OFFICE

TY06-004

July 14, 2008

TO: Commissioner for Patent
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: **Mail Stop Missing Parts**

FROM: Saile Ackerman LLC
28 Davis Avenue
Poughkeepsie, NY 12603

Re: Serial #12/012,666
File Date:02/01/08
Invr(s): Baratta, W., et al
Title: Web-Based Point of Sale Builder

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

Sir:

In response to the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION, dated 03/12/08, it was stated that the Oath or Declaration is missing. The Declaration is hereby attached.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 14, 2008

Signature _____ Date: July 14, 2008
Stephen B. Ackerman, Reg. No. 37,761

TY06-004

In addition, a substitute specification is included. The only change made was to increase the line spacing for "Related Patent Application" on page 1 to 1 ½ lines. Therefore, the version with markings is identical to the version without markings.

The Commissioner is hereby authorized to charge the fee of $65 associated with this communication to our Deposit Account No. 19-0033. A duplicate copy of this request is attached.

Respectfully submitted,

Stephen B. Ackerman, Reg. No. 37,761

Attachment: Declaration

OIPE
JUL 16 2008
PATENT & TRADEMARK OFFICE

PTO/SB/22 (01-08)
Approved for use through 02/29/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARMENT 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.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2008 *(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)*	Docket Number (Optional) TY06-004
Application Number 12/012,666	Filed 02/05/08
For Web-Based Point of Sale Builder	
Art Unit	Examiner

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

		Fee	Small Entity Fee	
☐	One month (37 CFR 1.17(a)(1))	$120	$60	$
☒	Two months (37 CFR 1.17(a)(2))	$460	$230	$ 230.
☐	Three months (37 CFR 1.17(a)(3))	$1050	$525	$
☐	Four months (37 CFR 1.17(a)(4))	$1640	$820	$
☐	Five months (37 CFR 1.17(a)(5))	$2230	$1115	$

☐ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 19-0033. I have enclosed a duplicate copy of this sheet.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 37,761

☐ attorney or agent under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Signature — Date: July 14, 2008

Stephen B. Ackerman, Reg. #37,761 — Typed or printed name

845-452-5863 — Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

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

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

07/17/2008 WASFAW1 00000001 190033 12012666
02 FC:2252 230.00 DA

OIPE
JUL 16 2008
PATENT & TRADEMARK OFFICE

DUPLICATE

PTO/SB/22 (01-08)
Approved for use through 02/29/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARMENT OF COMMERCE
Under the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless if displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) **FY 2008** *(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)*	Docket Number (Optional) TY06-004
Application Number 12/012,666	Filed 02/05/08
For Web-Based Point of Sale Builder	
Art Unit	Examiner

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

		Fee	Small Entity Fee	
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☒	Two months (37 CFR 1.17(a)(2))	$460	$230	$ 230.
☐	Three months (37 CFR 1.17(a)(3))	$1050	$525	$
☐	Four months (37 CFR 1.17(a)(4))	$1640	$820	$
☐	Five months (37 CFR 1.17(a)(5))	$2230	$1115	$

☐ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 19-0083. I have enclosed a duplicate copy of this sheet.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the
☐ applicant/inventor.
☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).
☒ attorney or agent of record. Registration Number 37,761
☐ attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____

Signature	July 14, 2008 Date
Stephen B. Ackerman, Reg. #37,761 Typed or printed name	845-452-5863 Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

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

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



DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

DOCKET NO. TY06-004

As a below named Inventor, I hereby declare that:

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

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled
Web-Based Point of Sale Builder

the specification of which (check one)

is attached hereto.

was filed on FEB. 5 2008

Application Serial No. 12/012666

and was amended on _____
(if applicable)

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

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a), including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

(Number)	(Country)	(Day/Month/Year Filed)

I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35 United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § *1.56* (a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

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.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name & registration no.)

STEPHEN B. ACKERMAN (Reg. No.37,761), BILLY J. KNOWLES (Reg. No.42,752), LARRY J. PRESCOTT (Reg. No.39,335), ROSEMARY L.S. PIKE (Reg. No.39,332)

Send Correspondence to: 28 DAVIS AVENUE, POUGHKEEPSIE; NEW YORK 12603

Direct telephone Calls to: (name & telephone number) STEPHEN B. ACKERMAN - (845) 452-5863

Wayne Baratta
Full name of sole *or* first inventor

Wayne Baratta 2/1/08
Inventor's signature Date

89 S. Randolph Ave Poughkeepsie NY. 12601
Residence

U.S.A
Citizenship

33 Sharon Drive, Fishkill, NY 12524
Post Office Address

Quentin Olson

Full name of second inventor

Inventors signature

Date 7/1/04

Residence 24225 FJORD PL N.W. POULSBO WA 98370

Citizenship U.S.

Post Office Address 33 Sharon Drive, Fishkill, NY 12524

Full name of third inventor

Date

Inventors signature

Residence

Citizenship

Post Office Address

Full name of fourth inventor

Date

Inventor's signature

Residence

Citizenship

Post Office Address

Full name of fifth inventor

Date

Inventor's signature

Residence

Citizenship

Post Office Address

Full name of sixth inventor

Date

Inventor's signature

Residence

Citizenship

Post Office Address

Substitute specification w/o markings

TY2006-004



Web-Based Point of Sale Builder

Related Patent Applications

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.

Background of the Invention

Field of the Invention

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.

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

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Clover Network, LLC v. CloudofChange, LLC
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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 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 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.

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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.

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Brief Summary of the Invention

It is the objective of this invention to provide 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.

It is further an object of this invention to provide an online, web-based 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.

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 POS terminals in real time, from anywhere in the world and over the world-wide web.

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Brief Description of the Drawings

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.

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 process begins.

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

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

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Detailed Description of the Invention

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 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 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.

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 store's POS requirements via phone calls, emails, and meetings with store

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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 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 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 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 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,

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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 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 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.

Figure 3 shows a high level diagram of this invention. Each point of sale (POS) terminal such as POS 31 represents a single cash register in a store, retail location, or business location. 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 the two shown, as well 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

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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.

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

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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

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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 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 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 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 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

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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 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 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. 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 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:

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1. A web-based point of sale (POS) builder system 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,

wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web.

2. The web-based point of sale (POS) builder system of claim 1 wherein said POS terminals are implemented with personal computer (PC) architecture.

3. The web-based point of sale (POS) builder system of claim 1 wherein use of said builder requires no special training.

4. The web-based point of sale (POS) builder system of claim 1 wherein the testing of said POS screens can be done iteratively in real time while said POS terminals are simultaneously in use during store and business operation hours.

5. The web-based point of sale (POS) builder system of claim 1 wherein no specialized hardware or software is required to implement said POS builder, and wherein no on site, in-store server is required.

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6. The web-based point of sale (POS) builder system of claim 1 wherein said POS builder is useable to deliver POS application solutions using software as a subscription (SAAS).

7. The web-based point of sale (POS) builder system of claim 1 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 resides in and is executed from said web server.

8. The web-based point of sale (POS) builder system of claim 1 wherein said POS builder can add new POS screens.

9. The web-based point of sale (POS) builder system of claim 1 wherein said POS builder can edit existing POS screens.

10. The web-based point of sale (POS) builder system of claim 1 wherein said POS builder can specify and display the number, shape and arrangement of selection keys or buttons on said POS screens.

11. The web-based point of sale (POS) builder system of claim 1 wherein said POS builder can add items to be associated with said keys or buttons.

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12. The web-based point of sale (POS) builder system of claim 11 wherein said POS builder can assign attributes such as item name, price, cost, group, taxable and inventory status to said items.

13. The web-based point of sale (POS) builder system of claim 12 wherein said attributes are stored, retrievable and changeable from a back office database stored on said web server.

14. The web-based point of sale (POS) builder system of claim 1, wherein said POS screens are viewable in real-time at remote locations anywhere in the world via personal computers with browser based web access.

15. A method of providing a web-based point of sale (POS) builder comprising the steps of:

providing one or more point of sale terminals, which display POS screens,

providing an internet connection to a web server,

providing one or more local or remote PC workstations, and

providing point of sale builder software which runs on said web server,

wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web.

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16. The method of providing a web-based point of sale (POS) builder of claim 15 wherein said POS terminals are implemented with personal computer (PC) architecture.

17. The method of providing a web-based point of sale (POS) builder of claim 15 wherein use of said builder requires no special training.

18. The method of providing a web-based point of sale (POS) builder of claim 15 wherein the testing of said POS screens can be done iteratively in real time while said POS terminals are simultaneously in use during store and business operation hours.

19. The method of providing a web-based point of sale (POS) builder of claim 15 wherein no specialized hardware or software is required to implement said POS builder, and wherein no on site, in-store server is required.

20. The method of providing a web-based point of sale (POS) builder of claim 15 wherein said POS builder is useable to deliver POS application solutions using software as a subscription (SAAS).

21. The method of providing a web-based point of sale (POS) builder of claim 15

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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 resides in and is executed from said web server.

22. The method of providing a web-based point of sale (POS) builder of claim 15 wherein said POS builder can add new POS screens.

23. The method of providing a web-based point of sale (POS) builder of claim 15 wherein said POS builder can edit existing POS screens.

24. The method of providing a web-based point of sale (POS) builder of claim 15 wherein said POS builder can specify and display the number, shape and arrangement of selection keys or buttons on said POS screens.

25. The method of providing a web-based point of sale (POS) builder of claim 15 wherein said POS builder can add items to be associated with said keys or buttons.

26. The method of providing a web-based point of sale (POS) builder of claim 25 wherein said POS builder can assign attributes such as item name, price, cost, group, taxable and inventory status to said items.

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27. The method of providing a web-based point of sale (POS) builder of claim 26 wherein said attributes are stored, retrievable and changeable from a back office database stored on said web server.

28. The method of providing web-based point of sale (POS) builder system of claim 15, wherein said POS screens are viewable in real-time at remote locations anywhere in the world via personal computers with browser based web access.

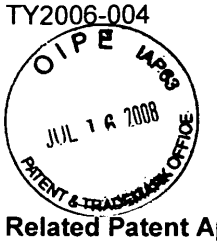
Abstract

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 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.

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Substitute specification with markings

TY2006-004



Web-Based Point of Sale Builder

Related Patent Applications

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.

Background of the Invention

Field of the Invention

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.

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

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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 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 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.

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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 store's POS requirements via phone calls, emails, and meetings with store

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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 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 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 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 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,

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

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Figure 3 shows a high level diagram of this invention. Each point of sale (POS) terminal such as POS 31 represents a single cash register in a store, retail location, or business location. 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 the two shown, as well 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

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

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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

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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 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 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 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 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

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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 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 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. 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 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:

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1. A web-based point of sale (POS) builder system 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,

wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web.

2. The web-based point of sale (POS) builder system of claim 1 wherein said POS terminals are implemented with personal computer (PC) architecture.

3. The web-based point of sale (POS) builder system of claim 1 wherein use of said builder requires no special training.

4. The web-based point of sale (POS) builder system of claim 1 wherein the testing of said POS screens can be done iteratively in real time while said POS terminals are simultaneously in use during store and business operation hours.

5. The web-based point of sale (POS) builder system of claim 1 wherein no specialized hardware or software is required to implement said POS builder, and wherein no on site, in-store server is required.

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6. The web-based point of sale (POS) builder system of claim 1 wherein said POS builder is useable to deliver POS application solutions using software as a subscription (SAAS).

7. The web-based point of sale (POS) builder system of claim 1 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 resides in and is executed from said web server.

8. The web-based point of sale (POS) builder system of claim 1 wherein said POS builder can add new POS screens.

9. The web-based point of sale (POS) builder system of claim 1 wherein said POS builder can edit existing POS screens.

10. The web-based point of sale (POS) builder system of claim 1 wherein said POS builder can specify and display the number, shape and arrangement of selection keys or buttons on said POS screens.

11. The web-based point of sale (POS) builder system of claim 1 wherein said POS builder can add items to be associated with said keys or buttons.

12. The web-based point of sale (POS) builder system of claim 11 wherein said POS builder can assign attributes such as item name, price, cost, group, taxable and inventory status to said items.

13. The web-based point of sale (POS) builder system of claim 12 wherein said attributes are stored, retrievable and changeable from a back office database stored on said web server.

14. The web-based point of sale (POS) builder system of claim 1, wherein said POS screens are viewable in real-time at remote locations anywhere in the world via personal computers with browser based web access.

15. A method of providing a web-based point of sale (POS) builder comprising the steps of:

providing one or more point of sale terminals, which display POS screens,

providing an internet connection to a web server,

providing one or more local or remote PC workstations, and

providing point of sale builder software which runs on said web server,

wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web.

16. The method of providing a web-based point of sale (POS) builder of claim 15 wherein said POS terminals are implemented with personal computer (PC) architecture.

17. The method of providing a web-based point of sale (POS) builder of claim 15 wherein use of said builder requires no special training.

18. The method of providing a web-based point of sale (POS) builder of claim 15 wherein the testing of said POS screens can be done iteratively in real time while said POS terminals are simultaneously in use during store and business operation hours.

19. The method of providing a web-based point of sale (POS) builder of claim 15 wherein no specialized hardware or software is required to implement said POS builder, and wherein no on site, in-store server is required.

20. The method of providing a web-based point of sale (POS) builder of claim 15 wherein said POS builder is useable to deliver POS application solutions using software as a subscription (SAAS).

21. The method of providing a web-based point of sale (POS) builder of claim 15

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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 resides in and is executed from said web server.

22. The method of providing a web-based point of sale (POS) builder of claim 15 wherein said POS builder can add new POS screens.

23. The method of providing a web-based point of sale (POS) builder of claim 15 wherein said POS builder can edit existing POS screens.

24. The method of providing a web-based point of sale (POS) builder of claim 15 wherein said POS builder can specify and display the number, shape and arrangement of selection keys or buttons on said POS screens.

25. The method of providing a web-based point of sale (POS) builder of claim 15 wherein said POS builder can add items to be associated with said keys or buttons.

26. The method of providing a web-based point of sale (POS) builder of claim 25 wherein said POS builder can assign attributes such as item name, price, cost, group, taxable and inventory status to said items.

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27. The method of providing a web-based point of sale (POS) builder of claim 26 wherein said attributes are stored, retrievable and changeable from a back office database stored on said web server.

28. The method of providing web-based point of sale (POS) builder system of claim 15, wherein said POS screens are viewable in real-time at remote locations anywhere in the world via personal computers with browser based web access.

Abstract

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 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.

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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
12/012,666	02/05/2008	2876	715	TY06-004	28	2

CONFIRMATION NO. 3905

28112
SAILE ACKERMAN LLC
28 DAVIS AVENUE
POUGHKEEPSIE, NY 12603

FILING RECEIPT



Date Mailed: 03/12/2008

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 write to the Office of Initial Patent Examination's Filing Receipt Corrections. 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**

Applicant(s)

Wayne Baratta, Residence Not Provided;
Quentin Olson, Residence Not Provided;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 03/08/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/012,666**

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

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Title

Web-based point of sale builder

Preliminary Class

235

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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.

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/012,666	02/05/2008	Wayne Baratta	TY06-004

CONFIRMATION NO. 3905

28112
SAILE ACKERMAN LLC
28 DAVIS AVENUE
POUGHKEEPSIE, NY 12603

FORMALITIES LETTER

OC000000028752434

Date Mailed: 03/12/2008

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
  A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
  Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The substitute specification must be submitted with markings and be accompanied by a clean version (without markings) as set forth in 37 CFR 1.125(c) and a statement that the substitute specification contains no new matter (see 37 CFR 1.125(b)). The specification, claims, and/or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
  - The line spacing on the specification, claims, and/or abstract is not 1½ or double spaced (see 37 CFR 1.52(b)).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

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- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of $**65** for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this notice.

SUMMARY OF FEES DUE:

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- $**65** Surcharge.

Replies should be mailed to:

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Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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Docket No. **TY06-004**

U.S. PTO
12/012666
02/05/2008

Sir:

Transmitted herewith for filing is the Patent Application of:

Inventor: **WAYNE BARATTA, QUENTIN OLSON**

For: ~~WEB~~ **BASED POINT OF SALE BUILDER**

14230 U.S.PTO
020508

Enclosed are:

[X] **5** sheets of drawing(s) - formal.

[ ] Assignment Information for Publication Purposes

[ ] An associate power of attorney [X] Applicant claims small entity status

The filing fee has been calculated as shown below:

	(Col. 1)	(Col. 2)		**SMALL ENTITY**
FOR:	NO. FILED	NO. EXTRA	RATE	FEE
BASIC FEE				$515.
TOTAL CLAIMS	**28** -20=	**8**	x 25 =	**$ 200.**
INDEP CLAIMS	**2** -3=	**0**	x 105 =	**$ 0.**
			SUB TOTAL	**$ 715.**
			ASSIGNMENT	
			TOTAL	**$ 715.**

[X] Please charge my Deposit Account No. 19-0033 in the amount of **$ 715.** A duplicate copy of this sheet is enclosed.

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[X] Any patent application processing fees under 37 CFR §1.17.

Please use the correspondence address associated with Customer Number 28112.

Respectfully submitted,

STEPHEN B. ACKERMAN, REG. NO. 37,761

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Docket No. **TY06-004**

U.S. PTO
12/012666
02/05/2008

Sir:

Transmitted herewith for filing is the Patent Application of:

Inventor: **WAYNE BARATTA, QUENTIN OLSON**

For: ~~WEB~~ **BASED POINT OF SALE BUILDER**

14230 U.S.PTO
020508

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BASIC FEE				$515.
TOTAL CLAIMS	**28** -20=	**8**	x 25 =	**$ 200.**
INDEP CLAIMS	**2** -3=	**0**	x 105 =	**$ 0.**
			SUB TOTAL	**$ 715.**
			ASSIGNMENT	
			TOTAL	**$ 715.**

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[X] Any additional filing fees required under 37 CFR §1.16.

[X] Any patent application processing fees under 37 CFR §1.17.

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Web-Based Point of Sale Builder

Related Patent Applications

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.

Background of the Invention

Field of the Invention

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.

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

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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 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 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.

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.

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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.

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.

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Brief Summary of the Invention

It is the objective of this invention to provide 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.

It is further an object of this invention to provide an online, web-based 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.

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 POS terminals in real time, from anywhere in the world and over the world-wide web.

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Brief Description of the Drawings

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.

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 process begins.

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

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

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Detailed Description of the Invention

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 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 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.

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 store's POS requirements via phone calls, emails, and meetings with store

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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 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 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 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 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,

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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 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 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.

Figure 3 shows a high level diagram of this invention. Each point of sale (POS) terminal such as POS 31 represents a single cash register in a store, retail location, or business location. 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 the two shown, as well 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

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

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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

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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 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 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 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 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

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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 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 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. 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 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:

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1. A web-based point of sale (POS) builder system 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,

wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web.

2. The web-based point of sale (POS) builder system of claim 1 wherein said POS terminals are implemented with personal computer (PC) architecture.

3. The web-based point of sale (POS) builder system of claim 1 wherein use of said builder requires no special training.

4. The web-based point of sale (POS) builder system of claim 1 wherein the testing of said POS screens can be done iteratively in real time while said POS terminals are simultaneously in use during store and business operation hours.

5. The web-based point of sale (POS) builder system of claim 1 wherein no specialized hardware or software is required to implement said POS builder, and wherein no on site, in-store server is required.

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6. The web-based point of sale (POS) builder system of claim 1 wherein said POS builder is useable to deliver POS application solutions using software as a subscription (SAAS).

7. The web-based point of sale (POS) builder system of claim 1 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 resides in and is executed from said web server.

8. The web-based point of sale (POS) builder system of claim 1 wherein said POS builder can add new POS screens.

9. The web-based point of sale (POS) builder system of claim 1 wherein said POS builder can edit existing POS screens.

10. The web-based point of sale (POS) builder system of claim 1 wherein said POS builder can specify and display the number, shape and arrangement of selection keys or buttons on said POS screens.

11. The web-based point of sale (POS) builder system of claim 1 wherein said POS builder can add items to be associated with said keys or buttons.

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12. The web-based point of sale (POS) builder system of claim 11 wherein said POS builder can assign attributes such as item name, price, cost, group, taxable and inventory status to said items.

13. The web-based point of sale (POS) builder system of claim 12 wherein said attributes are stored, retrievable and changeable from a back office database stored on said web server.

14. The web-based point of sale (POS) builder system of claim 1, wherein said POS screens are viewable in real-time at remote locations anywhere in the world via personal computers with browser based web access.

15. A method of providing a web-based point of sale (POS) builder comprising the steps of:

providing one or more point of sale terminals, which display POS screens,

providing an internet connection to a web server,

providing one or more local or remote PC workstations, and

providing point of sale builder software which runs on said web server,

wherein said local or remote workstations can be utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web.

16. The method of providing a web-based point of sale (POS) builder of claim 15 wherein said POS terminals are implemented with personal computer (PC) architecture.

17. The method of providing a web-based point of sale (POS) builder of claim 15 wherein use of said builder requires no special training.

18. The method of providing a web-based point of sale (POS) builder of claim 15 wherein the testing of said POS screens can be done iteratively in real time while said POS terminals are simultaneously in use during store and business operation hours.

19. The method of providing a web-based point of sale (POS) builder of claim 15 wherein no specialized hardware or software is required to implement said POS builder, and wherein no on site, in-store server is required.

20. The method of providing a web-based point of sale (POS) builder of claim 15 wherein said POS builder is useable to deliver POS application solutions using software as a subscription (SAAS).

21. The method of providing a web-based point of sale (POS) builder of claim 15

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 resides in and is executed from said web server.

22. The method of providing a web-based point of sale (POS) builder of claim 15 wherein said POS builder can add new POS screens.

23. The method of providing a web-based point of sale (POS) builder of claim 15 wherein said POS builder can edit existing POS screens.

24. The method of providing a web-based point of sale (POS) builder of claim 15 wherein said POS builder can specify and display the number, shape and arrangement of selection keys or buttons on said POS screens.

25. The method of providing a web-based point of sale (POS) builder of claim 15 wherein said POS builder can add items to be associated with said keys or buttons.

26. The method of providing a web-based point of sale (POS) builder of claim 25 wherein said POS builder can assign attributes such as item name, price, cost, group, taxable and inventory status to said items.

27. The method of providing a web-based point of sale (POS) builder of claim 26 wherein said attributes are stored, retrievable and changeable from a back office database stored on said web server.

28. The method of providing web-based point of sale (POS) builder system of claim 15, wherein said POS screens are viewable in real-time at remote locations anywhere in the world via personal computers with browser based web access.

Abstract

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 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.

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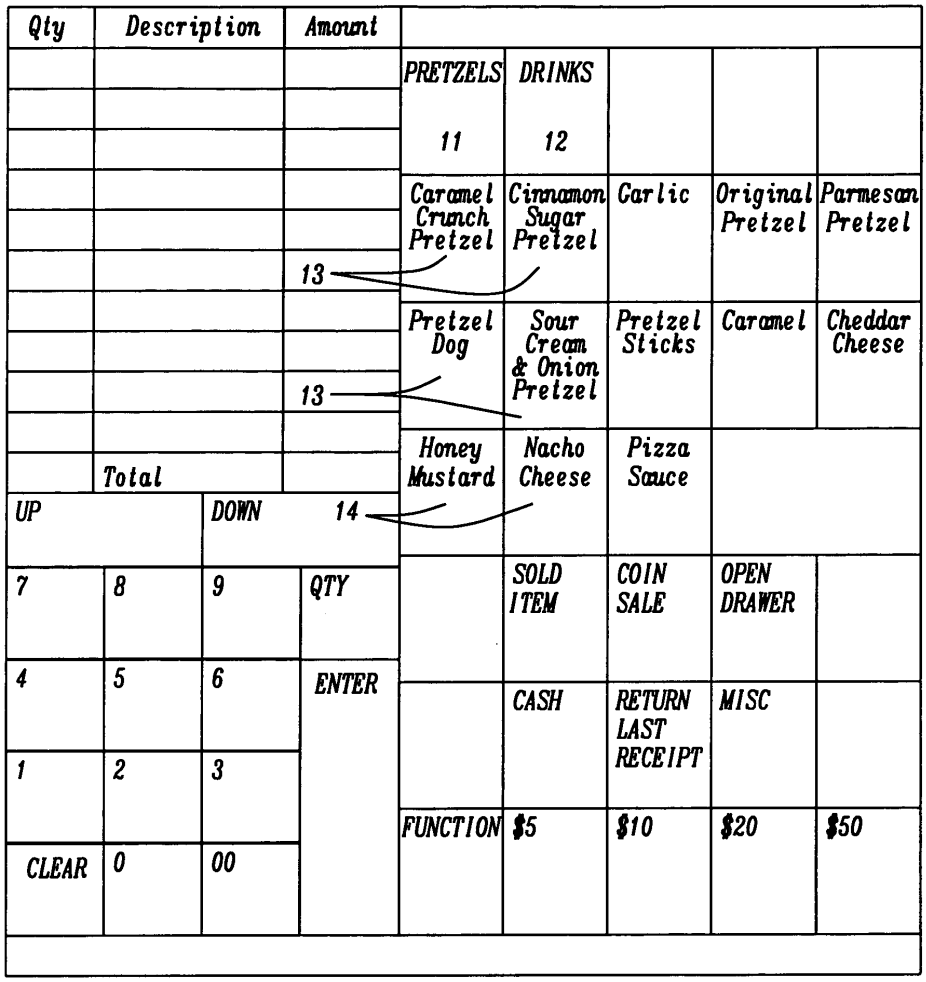

Qty
Description
Amount
Total
UP
DOWN
14
13
13
7
8
9
QTY
4
5
6
ENTER
1
2
3
CLEAR
0
00
PRETZELS
11
DRINKS
12
Caramel Crunch Pretzel
Cinnamon Sugar Pretzel
Garlic
Original Pretzel
Parmesan Pretzel
Pretzel Dog
Sour Cream & Onion Pretzel
Pretzel Sticks
Caramel
Cheddar Cheese
Honey Mustard
Nacho Cheese
Pizza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

FIG. 1

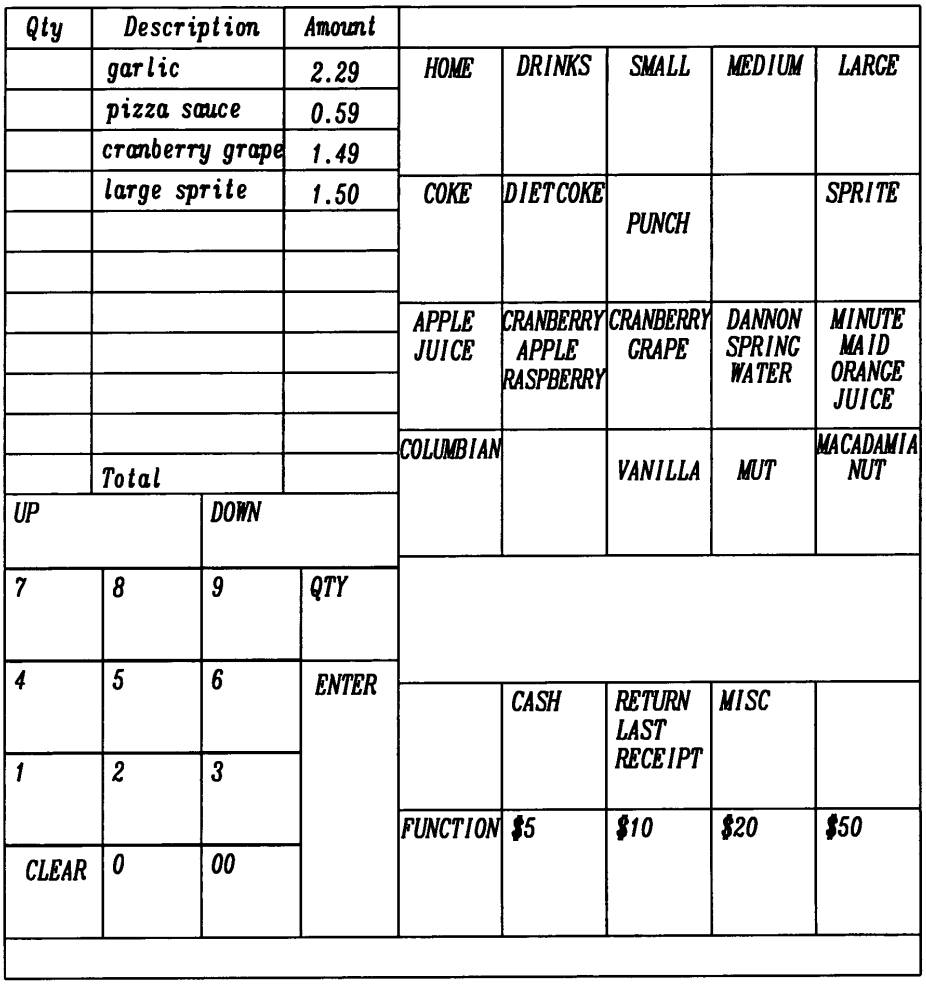

Qty
Description
Amount
garlic
2.29
pizza sauce
0.59
cranberry grape
1.49
large sprite
1.50
Total
UP
DOWN
7
8
9
QTY
4
5
6
ENTER
1
2
3
CLEAR
0
00
HOME
DRINKS
SMALL
MEDIUM
LARGE
COKE
DIETCOKE
PUNCH
SPRITE
APPLE JUICE
CRANBERRY APPLE RASPBERRY
CRANBERRY GRAPE
DANNON SPRING WATER
MINUTE MAID ORANGE JUICE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

FIG. 2

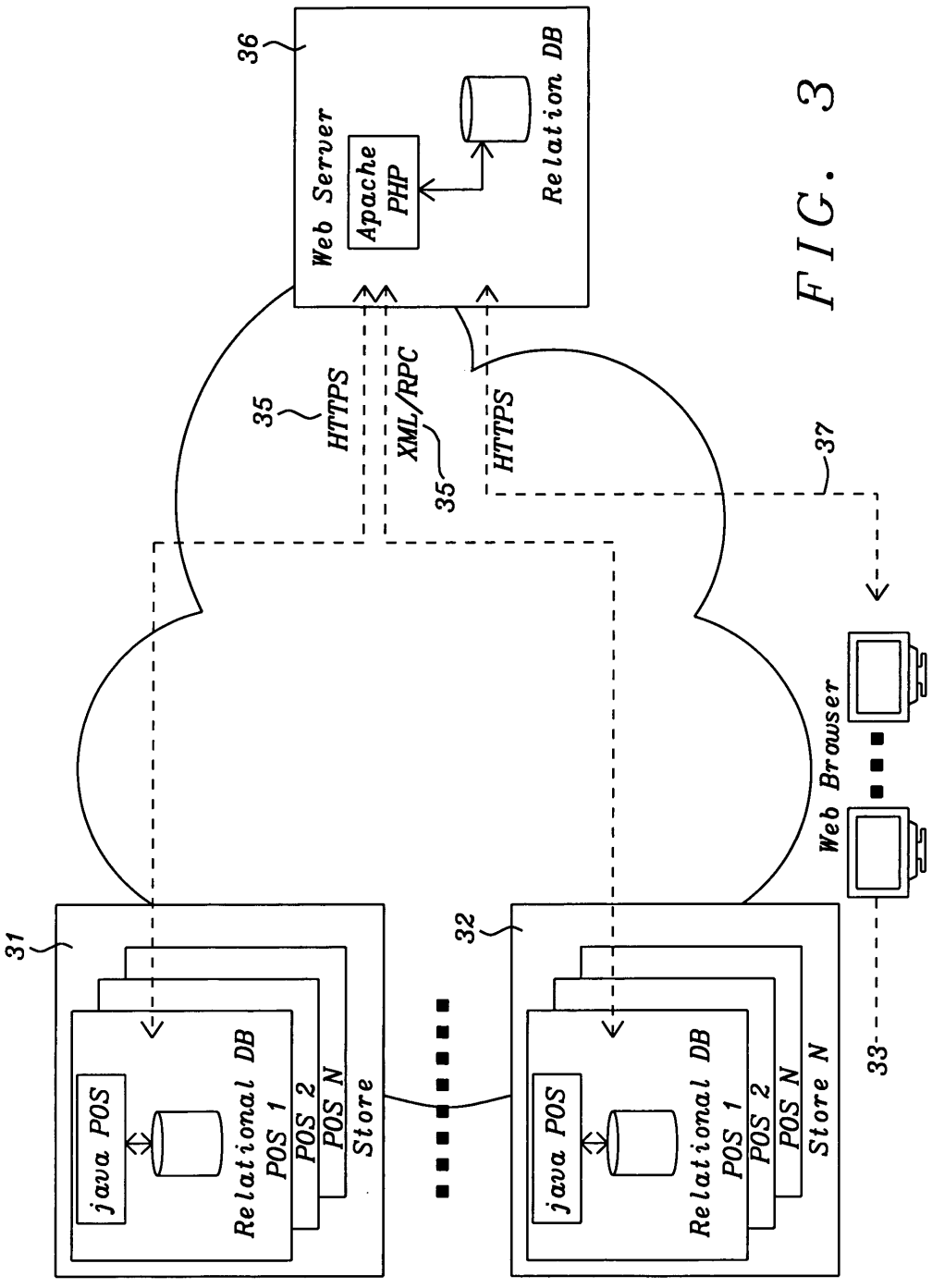

36
Web Server
Apache
PHP
Relation DB
35
HTTPS
XML/RPC
35
HTTPS
37
Web Browser
31
java POS
Relational DB
POS 1
POS 2
POS N
Store
32
java POS
Relational DB
POS 1
POS 2
POS N
Store N
33

FIG. 3

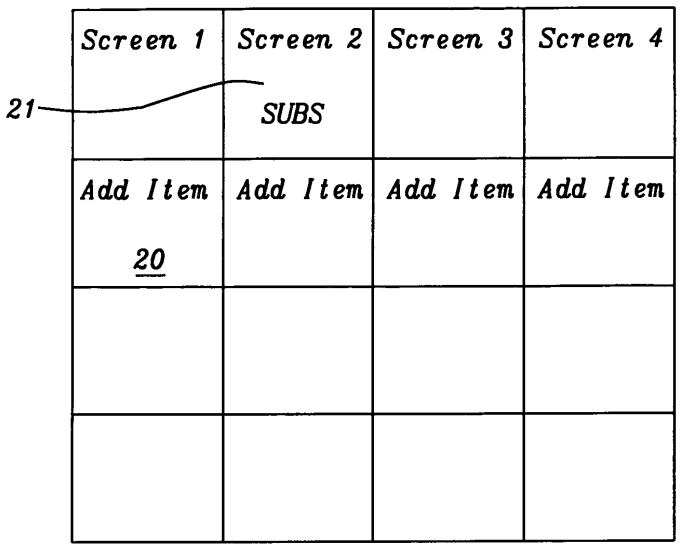

Screen 1
Screen 2
Screen 3
Screen 4
21
SUBS
Add Item
Add Item
Add Item
Add Item
20

FIG. 4a

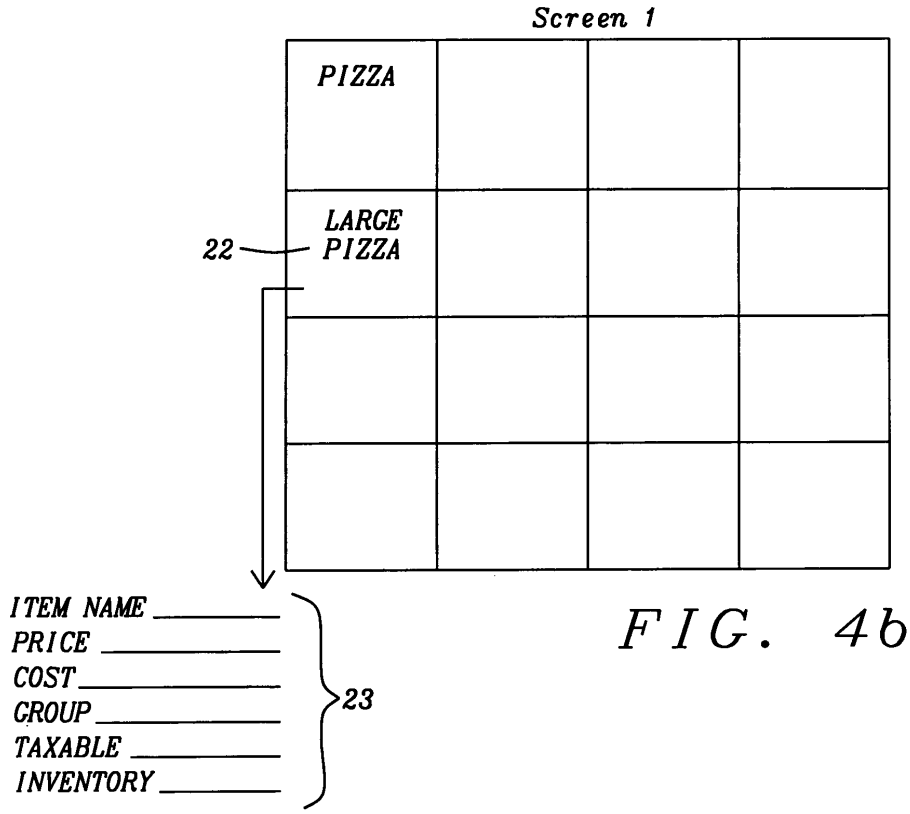

Screen 1
PIZZA
LARGE PIZZA
22
ITEM NAME
PRICE
COST
GROUP
TAXABLE
INVENTORY
23

FIG. 4b

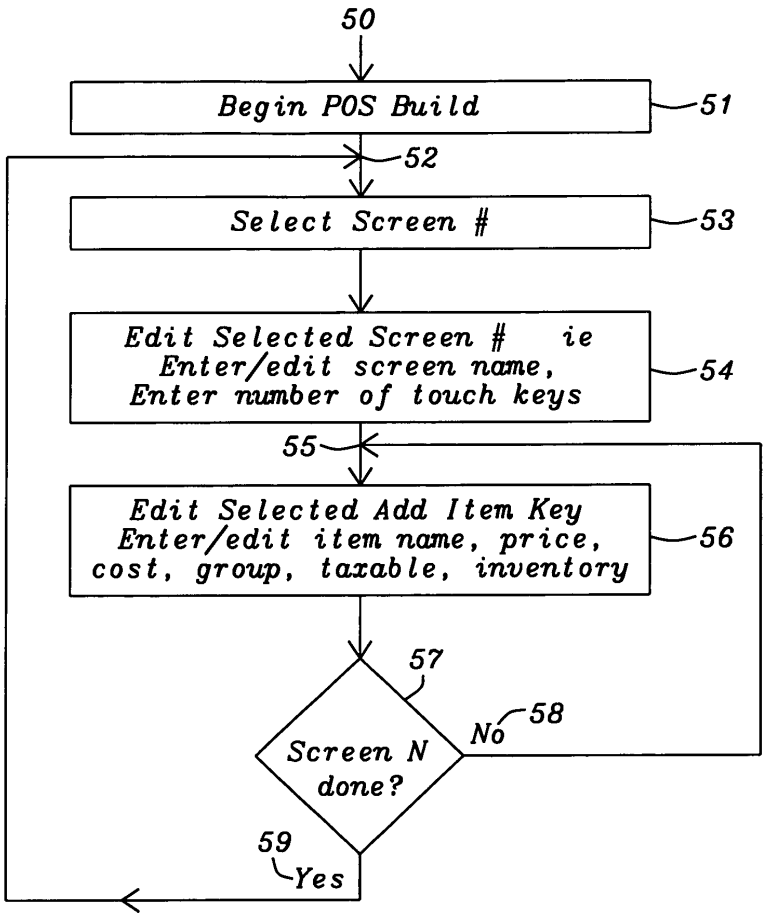

50
Begin POS Build
51
52
Select Screen #
53
Edit Selected Screen # ie
Enter/edit screen name,
Enter number of touch keys
54
55
Edit Selected Add Item Key
Enter/edit item name, price,
cost, group, taxable, inventory
56
57
Screen N
done?
No
58
59
Yes

FIG. 5

PATENT APPLICATION SERIAL NO._____

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

02/06/2008 HMARZI1 00000053 190033 12012666

01 FC:2011 155.00 DA
02 FC:2111 255.00 DA
03 FC:2311 105.00 DA
04 FC:2202 200.00 DA

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PATENT APPLICATION FEE DETERMINATION RECORD
Substitute for Form PTO-875

Application or Docket Number: 120/12666

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY FEE ($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	$155		N/A	$310
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	$255		N/A	$510
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	$105		N/A	$210
TOTAL CLAIMS (37 CFR 1.16(i))	28 minus 20 =	* 8	X $25 =	200	OR	X $50 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	2 minus 3 =	* —	X $105 =			X $210 =	
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $260 ($130 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).		$130			$260	
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))			$185			$370	
			TOTAL	715		TOTAL	

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

APPLICATION AS AMENDED – PART II

AMENDMENT A

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	*	Minus	**	=	X $25 =		OR	X $50 =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	X $105 =		OR	X $210 =	
Application Size Fee (37 CFR 1.16(s))									
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					$185		OR	$370	
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

AMENDMENT B

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)	OR	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	*	Minus	**	=	X $25 =		OR	X $50 =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	X $105 =		OR	X $210 =	
Application Size Fee (37 CFR 1.16(s))									
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					$185		OR	$370	
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

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

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.**

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