

portal is configured to display the determined gratuity allocation for the plurality of employees.

20. (Original) The computer-implemented method for allocating gratuities of claim 1 further comprising:

upon determining the gratuity allocation for a given employee, notifying the employee via at least one of a text message, an email, or an instant message of the determined gratuity allocation.

21. (Original) The computer-implemented method for allocating gratuities of claim 1, wherein receiving gratuity distribution rules for allocating gratuities among at least a portion of the employees further comprises:

receiving gratuity distribution rules from each of a plurality of employers, wherein the gratuity distribution rules received from one employer are different than the gratuity distribution rules received from at least one other employer.

22.-29. (Canceled)

30. (Previously Presented) A system, comprising:

a. a gratuity management system, comprising

1. a server coupled to a computer network and accessible by a plurality of clients;

and

2. a database, accessible by the server; and

b. a plurality of client business systems, each of the client business systems corresponding to one of the plurality of clients, each client business system comprising:

1. at least one point of sale server; and

2. a gratuity sync client application installed on the client business system;

wherein the gratuity sync client application on each client business system is configured to extract transaction information and employee information from the client business system and to communicate the extracted information to the gratuity management system; and

wherein the gratuity management system is configured to receive the extracted transaction information and employee information from the plurality of client business systems and to store the received extracted information in the database; and

wherein the gratuity management system is further configured execute gratuity distribution rules for allocating gratuities among at least a portion of the employees and to determine a gratuity allocation based on at least the received extracted transaction information, the received extracted employee information, and the gratuity distribution rules.

31. (Previously Presented) The system of claim 30, wherein the gratuity sync client is further configured to format the extracted transaction and employee information into an XML file before communicating the extracted information to the gratuity management server.

32. (Currently Amended) The system of claim 30, wherein the ~~interface component~~ gratuity sync client is installed on the point of sale server unit.

33. (New) The system of claim 32, wherein additional devices are connected to and accessible by the point of sale server.

34. (New) The system of claim 30, wherein the gratuity distribution rules for allocating gratuities are independently configurable for each of the plurality of clients.

35. (New) The system of claim 30, wherein the gratuity sync client is further configured to format the extracted transaction information and employee information into an XML file before communicating it to the gratuity management system.

36. (New) The system of claim 30, wherein at least one of the client business systems further comprises a time and attendance server.

REMARKS

This Response is filed in response to the Office Action dated February 22, 2016. Claims 1-4, 6-21, and 30-32 currently stand rejected. New Claim 33 is added by amendment. Accordingly, Claims 1-4, 6-21 and 30-33 are at issue.

Applicant thanks Examiner Wilder for the courtesy of a telephone interview on May 16, 2016. Subject matter eligibility and the patentability of the claims in view of cited references were discussed. No agreement was reached.

Claims 1-4, 6-21 and 32 stand rejected under 35 U.S.C. §112 (Pre AIA), second paragraph, as being indefinite. Claim 1 is amended to recite "gratuity management system" in lieu of "gravity management system." This correction of an inadvertent typographical error is believed to correct antecedent basis in the remainder of the claim without changing the scope of the claims. Claim 32 is amended to recite "gratuity sync client" in lieu of "interface component." This also is believed to correct antecedent basis with respect to claim 32. Accordingly, it is believed that this ground for rejection has been resolved.

Claims 1-4, 6-21, and 30-32 currently stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The rejection is traversed with respect to the claims as presented after amendment.

Claim 1 is amended to more clearly recite how the task of allocating gratuities is structurally divided into different computing components. Claim 1 recites that extracting and communicating steps are performed by an interface component that is resident on an otherwise stand-alone client business system. The interface component extracts certain information, previously entered during the course of regular business transactions of the client, from the client business system and communicates it to a gratuity management system. Claim 1 is amended to make it more clear that the gratuity management system is configured to interface with multiple independent clients. That is, in Claim 1, the gratuity management system is not part of the client business system (except for the interface component, which is necessary to communicate with the gratuity management system).

Claim 30 is also amended to recite a system involving a gratuity management system that receives inputs from a plurality of client business systems corresponding to different clients. Moreover, each of the client business systems includes a specific component – the gratuity sync client -- for performing certain claimed functions. Once again, this configuration

of computing resources enhances computing efficiency over and above known systems for allocating gratuities.

This solution improves computing efficiency in several ways. First, installing only an interface component to be resident on a client business system minimally affects the client business system and avoids the need to install the entire gratuity management functionality on the client business system. Second, requiring a remote server to handle all of the gratuity computations ensures that the client business system is not overburdened with additional computing demands. Third, having a single server handle certain discrete computing tasks for a plurality of distinct clients, while not centralizing all client business operations, provides additional efficiencies. Finally, the invention eliminates double entry of transactional information and employee information, because it extracts information that is captured during routine business operations, thereby avoiding erroneous entries, improving accuracy and improving results. Each of these improvements is an improvement in computing efficiency. In this regard, claims 1 and 30 as amended are directed at deriving additional benefit from information that is being collected by a client business system simply as a consequence of running the business, yet without imposing additional computing demands on the client business system, which may comprise resource-constrained Point of Sale systems.

In this regard, the claims recite patent eligible subject matter under Section 101 for the same reasons relied upon in Enfish, LLC. V. Microsoft Corp., No. 2015-1244 (Fed. Cir. May 12, 2016). In Enfish, the district court held claims directed to a computer data storage and retrieval system invalid under 35 U.S.C. §101. The Court of Appeals for the Federal Circuit reversed, holding that the claims were not impermissibly abstract under §101 and recent case law.

In Enfish, the claims were “directed to a specific improvement to the way that computers operate, embodied in a self-referential table.” Enfish, Slip. Op. p. 12. The court determined that the first step in an Alice v. CLS Bank style inquiry is to ask “whether the focus of the claims is on the specific asserted improvement in computer capabilities... or, instead, on a process that qualifies as an ‘abstract idea’ for which computers are invoked merely as a tool.” Id., Slip. Op. p. 11.

The court observed that in virtually all computer-related §101 cases that it issued in light of recent Supreme Court decisions, the claims were of the latter type, which then prompted the second step of the Alice inquiry. Id., Slip. Op. pp. 11-12. However, in Enfish, the claims were of

the former type, and were not abstract, which ended the inquiry at the first Alice step. As a consequence, the Court found the claims patent eligible without even considering the second Alice step (e.g., whether the claims recite “something more” that is otherwise patentable).

Here, the claims are clearly of the former type because they are directed at specific improvements in computer capabilities. In particular, with only minor modifications to a client business system to install a synchronization client, entirely new utility may be derived from business data collected during routine operations, and this new utility is realized on a remote server thereby avoiding affecting normal business operations. The claims are not directed at an abstract idea for which computers are merely a tool for doing it faster than one could do with pencil and paper.

Claims 1-4, 9, 18, 19 and 21 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Kessler et al. (US 2013/010357, “Kessler”) in view of Delaney et al. (US 2012/0208622, “Delaney”). This rejection is respectfully traversed.

Kessler appears to be completely unrelated to the invention at issue. Kessler concerns a stand-alone electronic tip jar to collect a second set of payments separate and apart from a retail establishment’s point of sale and business systems. In contrast to Kessler, the present invention is integrated with a client business system, and includes an interface component that extracts and communicates certain information that is captured in the client business systems during normal business operations. Kessler teaches away from the present system by including a separate step, device, and network for collecting gratuities. Delaney also differs from the claimed invention in this regard. Accordingly, claim 1, and all claims that depend from claim 1, including claims 2-4, 9, 18, 19 and 21, are believed patentable over the cited documents.

Claims 7, 8, 10-17, and 20 currently stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Kessler and Delaney, and further in view of various other references. The rejections are respectfully traversed. The remarks set forth above with respect to claim 1 are incorporated by reference. Claims 7, 8, 10-17, and 20 are believed patentable for at least the same reasons as claim 1.

Claims 30-32 currently stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Kessler in view of U.S. Pat. Pub. No. 2012/0173350 to Robson. The rejection is respectfully traversed. The remarks set forth above with respect to Kessler as applied to claim 1 are incorporated by reference. Additionally, Kessler does not teach or suggest a gratuity

sync client application installed on each of a plurality of client business systems and configured to extract transaction information and employee information from the client business system, and to communicate the extracted information to a remote gratuity management system. Claims 30-32, and new claims 33-36, which depend from claim 30, are believed patentable for least these reasons.

Conclusion

Applicant respectfully submits that all pending claims are in condition for allowance. Applicant encourages the Examiner to call its undersigned counsel to resolve any additional questions that the Examiner may have to place the claims in condition for allowance.

Date: May 23, 2016

Respectfully submitted,

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Electronic Acknowledgement Receipt	
EFS ID:	25858427
Application Number:	13834466
International Application Number:	
Confirmation Number:	2038
Title of Invention:	SYSTEM AND METHOD FOR MANAGING GRATUITIES
First Named Inventor/Applicant Name:	Aleksandar STEPANOVICH
Customer Number:	102467
Filer:	Walter J. Kawula Jr./Maura Halvey
Filer Authorized By:	Walter J. Kawula Jr.
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Amendment/Req. Reconsideration-After Non-Final Reject	2093873Reply.pdf	523439 1f519ca490d53ed58e766af9d01c7df44006765c	no	11

Warnings:

Information:

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.

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				Application or Docket Number		Filing Date		☐ To be Mailed	
Substitute for Form PTO-875				13/834,466		03/15/2013			
ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO									
APPLICATION AS FILED – PART I									
(Column 1)		(Column 2)							
FOR	NUMBER FILED	NUMBER EXTRA		RATE (\$)		FEE (\$)			
☒ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A		N/A		195			
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A		N/A					
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A		N/A					
TOTAL CLAIMS (37 CFR 1.16(j))	minus 20 =	*		X \$ =					
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*		X \$ =					
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).								
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))									
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL		195			
APPLICATION AS AMENDED – PART II									
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT	05/23/2016	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 27	Minus	** 29	= 0	X \$40 =		0	
	Independent (37 CFR 1.16(h))	* 2	Minus	***3	= 0	X \$210 =		0	
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE		0	
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =			
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =			
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE			
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.									
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".									
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".									
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.									

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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Paper No.

Application No.:	13/834,466	Date Mailed:	2016-06-07
			ELECTRONIC
First Named Inventor:	Aleksandar STEPANOVICH	Examiner:	WILDER, ANDREW H
Attorney Docket No.:	209387.00003	Art Unit:	3627
Confirmation No.:	2038	Filing Date:	03/15/2013

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

Commissioner for Patents

PTO-90c (Rev.08-06)

Notice of Non-Compliant Amendment (37 CFR 1.121)	Application No. 13/834,466	Applicant(s) STEPANOVICH, ALEKSANDAR
		Art Unit OCDD

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

The amendment document filed on 23 May, 2016 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See claim 30.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period if the non-compliant amendment is an** after-final amendment or an amendment filed after allowance, or a drawing submission (only) If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **two months** from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable /FELICIA JENKINS/

Telephone No: (571)272-0986

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re patent of:	Aleksandar STEPANOVICH	Docket No.:	209387.00003
Application No.:	13/834,466	Art Unit:	3627
Filed:	Mar. 15, 2013	Examiner:	Andrew H. WILDER
Title:	SYSTEM AND METHOD FOR MANAGING GRATUITIES		

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

REPLY AND AMENDMENT

Commissioner:

This paper is filed in response to the Notice of Non-Compliant Amendment dated June 7, 2016. Please amend the above-identified application as indicated below. Reconsideration and/or further examination is respectfully requested.

The Commissioner is authorized to charge any fees due as a result of or in connection with the filing of this paper to Deposit Account No. 15-0450.

Amendments to the Claims

This listing of claims as amended replaces all previously filed listings of claims in the application.

1. (Currently amended) A computer-implemented method for allocating gratuities comprising:

- an interface component resident on a client business system extracting transaction and employee information during an accounting period from the client business system;

- the interface component communicating the extracted transaction and employee information to a gravity gratuity management system ~~located remotely from the client business system;~~

- the gratuity management system having an interface for accepting information from a plurality of clients and comprising at least one processor configured to execute computer-executable instructions stored in memory to perform the following acts:

- receiving transaction information from the client business system, wherein the transaction information comprises at least gratuity data for each of a plurality of transactions during an accounting period,

- receiving employee information from the client business system, wherein the employee information comprises at least hours worked for each of a plurality of employees during the accounting period;

- receiving gratuity distribution rules for allocating gratuities among at least a portion of the employees; and

- determining a gratuity allocation for each applicable employee of the plurality of employees based on at least the received transaction information, the received employee information, and the received gratuity distribution rules.

2. (Original) The computer-implemented method for allocating gratuities of claim 1 further comprising:

- allocating to each applicable employee the determined gratuity allocation for that employee.

3. (Original) The computer-implemented method for allocating gratuities of claim 1, wherein the transaction information further comprises sales data for the plurality of transactions during the accounting period.
4. (Original) The computer-implemented method for allocating gratuities of claim 1, wherein the transactions are service transactions provided by the plurality of employees.
5. (Cancelled)
6. (Previously Presented) The computer-implemented method for allocating gratuities of claims 1, wherein the gratuity management system comprises a cloud computing system.
7. (Previously Presented) The computer-implemented method for allocating gratuities of claim 1, wherein the step of communicating the transaction information and employee information for the accounting period further comprises:

the interface component generating a computer-readable file containing the transaction information and the employee information for the accounting period, and the gratuity management system receiving the computer-readable file and storing the received transaction information and the received employee information in a database.
8. (Previously Presented) The computer-implemented method for allocating gratuities of claim 7 further comprising:

receiving the computer readable file from the client business system via the Internet.
9. (Original) The computer-implemented method for allocating gratuities of claim 1 further comprising:

determining a total gratuity amount for the accounting period from the transaction information, and determining the gratuity allocation for each of the plurality of employees based on the total gratuity amount for the accounting period.

10. (Original) The computer-implemented method for allocating gratuities of claim 1 further comprising:

classifying each of the plurality of employees to one of a plurality of gratuity groups based on a job function of the employee; and

wherein determining the gratuity allocation for each employee further comprises: allocating gratuities to form a gratuity pool for each gratuity group based on the gratuity distribution rules and allocating the gratuity pool for each gratuity group between the employees of the gratuity group based on the distribution rules.

11. (Original) The computer-implemented method for allocating gratuities of claim 10, wherein allocating the determined group gratuity between the employees of the group comprises:

determining a total of the hours worked by each employee of the group for the accounting period, and

allocating a portion of the gratuity pool for the gratuity group to each employee of the group corresponding to a ratio of the hours worked by that employee to the total hours worked of the group.

12. (Original) The computer-implemented method for allocating gratuities of claim 10, wherein allocating the determined group gratuity between the employees of the group comprises:

receiving an assigned gratuity factor for each of the plurality of employees, and

allocating at least a portion of the gratuity pool for the gratuity group to each employee based upon the employee's assigned gratuity factor.

13. (Original) The computer-implemented method for allocating gratuities of claim 1, wherein determining the gratuity allocation for each of the plurality of employees further comprises:

determining a total of gratuities received by a first group of employees; and

allocating a portion of the total of gratuities received by the first group of employees to a second group of employees based on the distribution rules.

14. (Original) The computer-implemented method for allocating gratuities of claim 13, wherein the portion of the total gratuities received by the first group of employees allocated to the

second group of employees is determined based on the number of members in the second group of employees.

15. (Original) The computer-implemented method for allocating gratuities of claim 1, wherein determining the gratuity allocation for each of the plurality of employees further comprises:

allocating a fixed amount of the gratuities received by a member of a first group to a second group of employees provided that the gratuities received by the member of the first group are greater than or equal to a threshold.

16. (Original) The computer-implemented method for allocating gratuities of claim 1, wherein determining the gratuity allocation for each of the plurality of employees further comprises:

determining total cash sales during the accounting period from the transaction information,

determining a total cash gratuity from the total cash sales, and

allocating the total cash gratuity to the plurality of employees based on the distribution rules.

17. (Original) The computer-implemented method for allocating gratuities of claim 1 further comprising:

communicating the determined gratuity allocation for each employee to an employer payroll system and distributing the determined gratuity allocation to each employee through a payroll check.

18. (Original) The computer-implemented method for allocating gratuities of claim 1 further comprising:

providing a web-portal configured to be accessed by employees, wherein the web-portal is configured to display the determined gratuity allocation for a given employee.

19. (Original) The computer-implemented method for allocating gratuities of claim 1 further comprising:

providing a web-portal configured to be accessed by an employer, wherein the web-

portal is configured to display the determined gratuity allocation for the plurality of employees.

20. (Original) The computer-implemented method for allocating gratuities of claim 1 further comprising:

upon determining the gratuity allocation for a given employee, notifying the employee via at least one of a text message, an email, or an instant message of the determined gratuity allocation.

21. (Original) The computer-implemented method for allocating gratuities of claim 1, wherein receiving gratuity distribution rules for allocating gratuities among at least a portion of the employees further comprises:

receiving gratuity distribution rules from each of a plurality of employers, wherein the gratuity distribution rules received from one employer are different than the gratuity distribution rules received from at least one other employer.

22.-29. (Canceled)

30. (Currently Amended) A system, comprising:

- a. a gratuity management system, comprising
 - 1. a server coupled to a computer network and accessible by a plurality of clients;
 - and
 - 2. a database, accessible by the server; and
 - b. a plurality of client business systems, each of the client business systems corresponding to one of the plurality of clients, each client business system comprising:
 - 1. at least one point of sale server; and
 - 2. a gratuity sync client application installed on the client business system;
- wherein the gratuity sync client application on each client business system is configured to extract transaction information and employee information from the client business system and to communicate the extracted information to the gratuity management system; and

wherein the gratuity management system is configured to receive the extracted transaction information and employee information from the plurality of client business systems and to store the received extracted information in the database; and

wherein the gratuity management system is further configured execute gratuity distribution rules for allocating gratuities among at least a portion of the employees and to determine a gratuity allocation based on at least the received extracted transaction information, the received extracted employee information, and the gratuity distribution rules.

31. (Previously Presented) The system of claim 30, wherein the gratuity sync client is further configured to format the extracted transaction and employee information into an XML file before communicating the extracted information to the gratuity management server.

32. (Currently Amended) The system of claim 30, wherein the ~~interface component~~ gratuity sync client is installed on the point of sale server unit.

33. (New) The system of claim 32, wherein additional devices are connected to and accessible by the point of sale server.

34. (New) The system of claim 30, wherein the gratuity distribution rules for allocating gratuities are independently configurable for each of the plurality of clients.

35. (New) The system of claim 30, wherein the gratuity sync client is further configured to format the extracted transaction information and employee information into an XML file before communicating it to the gratuity management system.

36. (New) The system of claim 30, wherein at least one of the client business systems further comprises a time and attendance server.

REMARKS

This Response is filed in response to the Notice of Non-Compliant Amendment dated June 7, 2016. Accordingly, Applicant has corrected its unintentional error to the status identifier for Claim 30 to comply with 37 CFR 1.121. The Remarks filed on May 23, 2016 are incorporated by reference. It is requested that such Remarks be taken into consideration along with the properly identified claims as shown above.

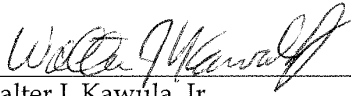
Conclusion

Applicant respectfully submits that all pending claims are in condition for allowance. Applicant encourages the Examiner to call its undersigned counsel to resolve any additional questions that the Examiner may have to place the claims in condition for allowance.

Date: June 9, 2016

Respectfully submitted,

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Electronic Acknowledgement Receipt	
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Application Number:	13834466
International Application Number:	
Confirmation Number:	2038
Title of Invention:	SYSTEM AND METHOD FOR MANAGING GRATUITIES
First Named Inventor/Applicant Name:	Aleksandar STEPANOVICH
Customer Number:	102467
Filer:	Walter J. Kawula Jr./Shannon Geers
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		Amendment.pdf	307421	yes	8
			6ff196add3a5ad015134a3340ffc6610d1865e7e		

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	7
	Applicant Arguments/Remarks Made in an Amendment	8	8
Warnings:			
Information:			
Total Files Size (in bytes):		307421	
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.			



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/834,466	03/15/2013	Aleksandar STEPANOVICH	209387.00003	2038
102467 7590 Hahn Loeser + Parks LLP 65 East State Street Suite 1400 Columbus, OH 43215			EXAMINER WILDER, ANDREW H	
			ART UNIT 3627	PAPER NUMBER
			NOTIFICATION DATE 08/19/2016	DELIVERY MODE ELECTRONIC

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

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

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

patents@hahnlaw.com

Office Action Summary	Application No. 13/834,466	Applicant(s) STEPANOVICH, ALEKSANDAR	
	Examiner HUNTER WILDER	Art Unit 3627	AIA (First Inventor to File) Status No

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

- 1) ☒ Responsive to communication(s) filed on 9 June 2016.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

- 5) ☒ Claim(s) 1-4, 6-21 and 30-36 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) 1-4, 6-21 and 30-36 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

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

Certified copies:

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

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

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date ____.
- 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 4) ☐ Other: ____.

DETAILED ACTION

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

Response to Arguments

2. Applicant's arguments filed in the Reply and Amendment ("Response") on 9 June 2016 with respect to the rejection under 35 USC 101 have been fully considered but they are not persuasive. Applicant's arguments in the Response with respect to the rejections of claims 1-4, 9, 18, 19 and 21 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of United States Patent Application Publication No. 2014/0365322 A1 to Phillips ("Phillips"). As requested in the Response, claims 1, 30 and 32 have been amended, claims 33-36 have been added, claims 5 and 22-29 are cancelled and claims 1-4, 6-21 and 30-36 remain pending.

3. Applicant's arguments filed in the Response with respect to the rejection under 35 USC 101 have been fully considered but they are not persuasive. Claims 1-4, 6-21 and 30-36 are directed to receiving information to determine gratuity allocations which is comparable to comparing and organizing information (i.e. the steps of extracting, communicating, receiving and determining) for transmission, which is similar to concepts that have been identified as abstract by the courts, such as using categories to organize, store and transmit information in *Cyberfone*. Additionally determining gratuity allocation for employees could be described as creating a contractual relationship which is similar to concepts that have been identified as fundamental

economic practices and certain methods of organizing human activity and thus an abstract idea. Waiters have for a long time manually kept track of their tips and further allocated the tips to other employees, i.e. bussers. Further, the claims here are unlike the claims in Enfish. In Enfish, the Courts applied the distinction to reject the § 101 challenge at stage one because the claims at issue focused not on asserted advances in uses to which existing computer capabilities could be put, but on a specific improvement—a particular database technique—in how computers could carry out one of their basic functions of storage and retrieval of data. The present case is different: the focus of the claims is not on such an improvement in computers as tools, but on certain independently abstract ideas that use computers as tools. The claims do not include additional elements (i.e. an interface component resident on a client business system and a gratuity management system) that are sufficient to amount to significantly more than the judicial exception because when taken in combination, together do not offer substantially more than the sum of the functions of the elements when each is taken alone.

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 **1-4**, **6-21** and **30-32** are rejected under 35 U.S.C. 101 because the claimed invention is directed to a judicial exception (i.e., a law of nature, a natural

phenomenon, or an abstract idea) without significantly more, see *Alice Corporation Pty. Ltd. v. CLS Bank International, et al.*, 573 U.S. ____ (2014).

Claims 1-4, 6-21 and 30-36 are directed to receiving information to determine gratuity allocations which is comparable to comparing and organizing information (i.e. the steps of extracting, communicating, receiving and determining) for transmission, which is similar to concepts that have been identified as abstract by the courts, such as using categories to organize, store and transmit information in *Cyberfone*. Additionally determining gratuity allocation for employees could be described as creating a contractual relationship which is similar to concepts that have been identified as fundamental economic practices and certain methods of organizing human activity and thus an abstract idea. Waiters have for a long time manually kept track of their tips and further allocated the tips to other employees, i.e. bussers. The claims do not include additional elements (i.e. an interface component resident on a client business system and a gratuity management system) that are sufficient to amount to significantly more than the judicial exception because when taken in combination, together do not offer substantially more than the sum of the functions of the elements when each is taken alone. That is, the elements involved in the recited process undertake their roles in performance of their activities according to their generic functionalities which are well-understood, routine and conventional. The elements together execute in routinely and conventionally accepted coordinated manners and interact with their partner elements to achieve an overall outcome which, similarly, is merely the combined and coordinated

execution of generic computer functionalities which are well-understood, routine and conventional activities previously known to the industry.

The claims as a whole, do not amount to significantly more than the abstract idea itself because the claims do not affect an improvement to another technology or technical field; the claims do not amount to an improvement to the functioning of a computer itself; and the claims do not move beyond a general link of the use of an abstract idea to a particular technological environment.

The claims merely amount to the application or instructions to apply the abstract idea on a computer, and is considered to amount to nothing more than requiring a generic computer system to merely carry out the abstract idea itself. As such, the claims, when considered as a whole, are nothing more than the instruction to implement the abstract idea in a particular, albeit well-understood, routine and conventional technological environment.

Claim Rejections - 35 USC § 103

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

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

5. Claims **1-4, 9-12, 18, 19** and **21** are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over United States Patent Application Publication No. 2013/0103579 A1 to Kessler *et al.* ("Kessler") in view of United States Patent

Application Publication No. 2012/0208622 A1 to Delaney *et al.* ("Delaney") and United States Patent Application Publication No. 2014/0365322 A1 to Phillips ("Phillips").

As per claim 1, the claimed subject matter that is met by Kessler includes:

a computer-implemented method for allocating gratuities comprising (Kessler: ¶ 0019 "integrated system and method for collecting and disbursing gratuities"):

an interface component resident on a client business system extracting transaction and employee information during an accounting period from the client business system (Kessler: ¶¶ 0008 "an electronic gratuity device configured to collect and transmit gratuity transaction information to the server", 0020 "The method of establishing an EGD system may include providing at least one server 7 (step 102) and a website 8 (step 103). Servers store transaction information and EGD account information needed for proper management of funds collected at EGD locations. System servers 7 also support the web interfaces 8 which the EGD provider, EGD contractor and gratuity-collecting employees use to manage funds collected at EGD locations" and 0035 "Shift and employee information, as well as gratuity transaction information may be sent either in real time or periodically to the system servers 206");

the interface component communicating the extracted transaction and employee information to a gratuity management system (Kessler: ¶¶ 0008 "an electronic gratuity device configured to collect and transmit gratuity transaction information to the server", 0020 "The method of establishing an EGD system may include providing at least one server 7 (step 102) and a website 8 (step 103). Servers store transaction information and EGD account information needed for proper management of funds collected at

EGD locations. System servers 7 also support the web interfaces 8 which the EGD provider, EGD contractor and gratuity-collecting employees use to manage funds collected at EGD locations” and 0035 “Shift and employee information, as well as gratuity transaction information may be sent either in real time or periodically to the system servers 206” and Fig. 1);

the gratuity management system comprising employing at least one processor configured to execute computer-executable instructions stored in memory to perform the following acts (Kessler: ¶¶ 0035 and 0036 “the information storage means, such as the server or servers, receive credit card payment information from any linked and active devices as transactions occur. Relevant information is organized, and may be made available on the website” and Figs. 1 (7) and 3):

receiving transaction information from the client business system, wherein the transaction information comprises at least gratuity data for each of a plurality of transactions during an accounting period (Kessler: ¶ 0035 “Shift and employee information, as well as gratuity transaction information may be sent either in real time or periodically to the system servers 206. The shift and employee information is used to generate work records that may dictate how shares of collected gratuity deposits are disbursed 207.”),

receiving employee information from the client business system, wherein the employee information comprises at least *shift* worked for each of a plurality of employees during the accounting period (Kessler: ¶¶ 0034 “one or more employees may check in without automatically checking out a first employee, such that multiple

employees' shifts may overlap” and 0035 “Shift and employee information, as well as gratuity transaction information may be sent either in real time or periodically to the system servers 206. The shift and employee information is used to generate work records that may dictate how shares of collected gratuity deposits are disbursed 207.”);

receiving gratuity distribution rules for allocating gratuities among at least a portion of the employees (Kessler: ¶ 0035 “EGD contractors and employees may have the option of reviewing and modifying the generated records, or of submitting determined gratuity disbursement plans on a periodic basis, rather than requiring employees to check in and out at the EGD device”); and

determining a gratuity allocation for each applicable employee of the plurality of employees based on at least the received transaction information, the received employee information, and the received gratuity distribution rules (Kessler: ¶¶ 0035 “According to the terms of the EGD contractor's agreement, there may be a pre-determined payment cycle period (e.g., two weeks), such that after every payment cycle, a finalized work record (either reviewed or unedited) is created or recorded for purposes of disbursement and record-keeping 208. After the electronic work record, or disbursement document, is created, the EGD provider initiates disbursement of gratuity shares according the shift information recorded in the document, or according to another appropriate metric embodied in the EGD contractor agreement 209” and 0041).

Kessler teaches recording ‘a shift start-time’ and determining ‘a shift length’ (Kessler: ¶ 0034), but fails to specifically teach ‘hours worked’. Kessler also teaches gratuity distribution rules for allocating gratuities among at least a portion of the

employees (Kessler: ¶ 0035) as broadly cited in the current claims, but fails to specially teach the narrower interpretation of gratuity distribution rules which could be the allocation of one gratuity transaction to many employees. To expedite matters, the Examiner provides Delaney to teach and disclose these claimed features.

The claimed subject matter that is met by Delaney includes:

receiving employee information from the client business system, wherein the employee information comprises at least hours worked for each of a plurality of employees during the accounting period (Delaney: ¶ 0037 “The system can use a weight based division and distribution based on actual shift to hours worked so that if a dealer only works half of an eight hour shift, they are given a half share of the total tips collected”);

receiving gratuity distribution rules for allocating gratuities among at least a portion of the employees (Delaney: ¶ 0037 “The system can use a weight based division and distribution based on actual shift to hours worked so that if a dealer only works half of an eight hour shift, they are given a half share of the total tips collected”); and

determining a gratuity allocation for each applicable employee of the plurality of employees based on at least the received transaction information, the received employee information, and the received gratuity distribution rules (Delaney: ¶¶ 0036 and 0037 “In the event that a shift accounting method is utilized, the tips for a particular shift are totaled and, once the shift is completed, the system divides the total amount of shifts among the dealers working the shift, as indicated in box 106. The system can use

a weight based division and distribution based on actual shift to hours worked so that if a dealer only works half of an eight hour shift, they are given a half share of the total tips collected”).

Kessler teaches a method for managing gratuities. Delaney teaches a comparable method for managing gratuities that was improved in the same way as the claimed invention. Delaney offers the embodiment of hours worked and gratuity distribution rules. One of ordinary skill in the art at the time the invention was made would have recognized the adaptation of the specific hours worked information and gratuity distribution rules as disclosed by Delaney to the shift length and gratuity distribution rules as taught by Kessler for the predicted result of improved methods for managing gratuities. No additional findings are seen to be necessary.

Kessler and Delaney fail to specifically teach the gratuity management system having an interface for accepting information from a plurality of clients. The Examiner provides Phillips to teach and disclose this claimed feature.

The claimed subject matter that is met by Phillips includes:

an interface component resident on a client business system extracting transaction and employee information during an accounting period from the client business system (Phillips: ¶¶ 0033, 0034 and 0044-0080 and Figs. 1-2);

the interface component communicating the extracted transaction and employee information to a gratuity management system (Phillips: ¶¶ 0033, 0034 and 0044-0080 and Figs. 1-2)

the gratuity management system having an interface for accepting information from a plurality of clients and comprising at least one processor configured to execute computer-executable instructions stored in memory to perform the following acts (Phillips: ¶¶ 0033, 0034 and 0044-0080 and Figs. 1-2):

receiving transaction information from the client business system, wherein the transaction information comprises at least gratuity data for each of a plurality of transactions during an accounting period (Phillips: ¶¶ 0033, 0034 and 0044-0080 and Figs. 1-2),

receiving employee information from the client business system, wherein the employee information comprises at least hours worked for each of a plurality of employees during the accounting period (Phillips: ¶¶ 0033, 0034 and 0044-0080 and Figs. 1-2);

receiving gratuity distribution rules for allocating gratuities among at least a portion of the employees (Phillips: ¶¶ 0033, 0034 and 0044-0080 and Figs. 1-2); and

determining a gratuity allocation for each applicable employee of the plurality of employees based on at least the received transaction information, the received employee information, and the received gratuity distribution rules (Phillips: ¶¶ 0033, 0034 and 0044-0080 and Figs. 1-2).

Kessler and Delaney teach methods for allocating gratuities. Phillips teaches a comparable method for allocating gratuities that was improved in the same way as the claimed invention. Phillips offers the embodiment of the gratuity management system having an interface for accepting information from a plurality of clients and several other

limitations already identified. One of ordinary skill in the art at the time the invention was made would have recognized the particular gratuity management system as disclosed by Phillips to the management systems as taught by Kessler and Delaney for the predicted result of improved methods for allocating gratuities. No additional findings are seen to be necessary.

As per claim **2**, the claimed subject matter that is met by Kessler and Delaney includes:

allocating to each applicable employee the determined gratuity allocation for that employee (Kessler: ¶¶ 0035 and 0041 and Delaney: ¶ 0037).

The motivation for combining the teachings of Kessler and Delaney are discussed in the rejection of claim 1, and are incorporated herein.

As per claim **3**, the claimed subject matter that is met by Kessler, Delaney and Phillips includes:

wherein the transaction information further comprises sales data for the plurality of transactions during the accounting period (the wherein clause does not appear to require performance of a step and, therefore, is believed to fail to further limit the claim [See MPEP 2111.04]).

The motivation for combining the teachings of Kessler, Delaney and Phillips are discussed in the rejection of claim 1, and are incorporated herein.

As per claim **4**, the claimed subject matter that is met by Kessler, Delaney and Phillips includes:

wherein the transactions are service transactions provided by the plurality of employees (the wherein clause does not appear to require performance of a step and, therefore, is believed to fail to further limit the claim [See MPEP 2111.04]).

The motivation for combining the teachings of Kessler and Delaney are discussed in the rejection of claim 1, and are incorporated herein.

As per claim **9**, the claimed subject matter that is met by Kessler, Delaney and Phillips includes:

determining a total gratuity amount for the accounting period from the transaction information (Kessler: ¶¶ 0035 and 0041 and Delaney: ¶ 0037), and

determining the gratuity allocation for each of the plurality of employees based on the total gratuity amount for the accounting period (Kessler: ¶¶ 0035 and 0041 and Delaney: ¶ 0037).

The motivation for combining the teachings of Kessler and Delaney are discussed in the rejection of claim 1, and are incorporated herein.

As per claim **10**, Kessler and Delaney fail to specifically teach classifying each of the plurality of employees to one of a plurality of gratuity groups based on a job function of the employee; and wherein determining the gratuity allocation for each employee further comprises: allocating gratuities to form a gratuity pool for each gratuity group based on the gratuity distribution rules and allocating the gratuity pool for each gratuity group between the employees of the gratuity group based on the distribution rules. The Examiner provides Phillips to teach and disclose this claimed feature.

The claimed subject matter that is met by Phillips includes:

classifying each of the plurality of employees to one of a plurality of gratuity groups based on a job function of the employee; and wherein determining the gratuity allocation for each employee further comprises: allocating gratuities to form a gratuity pool for each gratuity group based on the gratuity distribution rules and allocating the gratuity pool for each gratuity group between the employees of the gratuity group based on the distribution rules (Phillips: ¶¶ 0056-0065)

Kessler and Delaney teaches methods for allocating gratuities. Phillips teaches a comparable method for allocating gratuities that was improved in the same way as the claimed invention. Phillips offers the embodiment of classifying each of the plurality of employees to one of a plurality of gratuity groups based on a job function of the employee; and wherein determining the gratuity allocation for each employee further comprises: allocating gratuities to form a gratuity pool for each gratuity group based on the gratuity distribution rules and allocating the gratuity pool for each gratuity group between the employees of the gratuity group based on the distribution rules. One of ordinary skill in the art at the time the invention was made would have recognized the adaptation of classifying each of the plurality of employees to one of a plurality of gratuity groups based on a job function of the employee as disclosed by Phillips to the methods for allocating gratuities as taught by Kessler and Delaney for the predicted result of improved methods for allocating gratuities. Further motivation for combining the teachings of Kessler, Delaney and Phillips are discussed in the rejection of claim 1, and are incorporated herein.

As per claim **11**, the claimed subject matter that is met by Kessler, Delaney and Phillips includes:

wherein allocating the determined group gratuity between the employees of the group comprises: determining a total of the hours worked by each employee of the group for the accounting period, and allocating a portion of the gratuity pool for the gratuity group to each employee of the group corresponding to a ratio of the hours worked by that employee to the total hours worked of the group (Kessler: ¶¶ 0035 and 0041 and Delaney: ¶ 0037 and Phillips: ¶¶ 0056-0065).

The motivation for combining the teachings of Kessler, Delaney and Phillips are discussed in the rejection of claim 1, and are incorporated herein.

As per claim **12**, the claimed subject matter that is met by Kessler, Delaney and Phillips includes:

wherein allocating the determined group gratuity between the employees of the group comprises: receiving an assigned gratuity factor for each of the plurality of employees, and allocating at least a portion of the gratuity pool for the gratuity group to each employee based upon the employee's assigned gratuity factor (Kessler: ¶¶ 0035 and 0041 and Delaney: ¶ 0037 and Phillips: ¶¶ 0056-0065).

The motivation for combining the teachings of Kessler, Delaney and Phillips are discussed in the rejection of claim 1, and are incorporated herein.

As per claim **18**, the claimed subject matter that is met by Kessler, Delaney and Phillips includes:

providing a web-portal configured to be accessed by employees, wherein the web-portal is configured to display the determined gratuity allocation for a given employee (Kessler: ¶¶ 0035 and 0036).

The motivation for combining the teachings of Kessler, Delaney and Phillips are discussed in the rejection of claim 1, and are incorporated herein.

As per claim **19**, the claimed subject matter that is met by Kessler, Delaney and Phillips includes:

providing a web-portal configured to be accessed by an employer, wherein the web-portal is configured to display the determined gratuity allocation for the plurality of employees (Kessler: ¶¶ 0035 and 0036).

The motivation for combining the teachings of Kessler, Delaney and Phillips are discussed in the rejection of claim 1, and are incorporated herein.

As per claim **21**, the claimed subject matter that is met by Kessler, Delaney and Phillips includes:

wherein receiving gratuity distribution rules for allocating gratuities among at least a portion of the employees further comprises: receiving gratuity distribution rules from each of a plurality of employers, wherein the gratuity distribution rules received from one employer are different than the gratuity distribution rules received from at least one other employer (Kessler: ¶ 0035).

Receiving rules from each of a plurality of employers would have been an duplication of the aforementioned receiving step across each employer in the plurality. The source of the rule and the contents of the rule does not alter the manner in which

the method is performed, and the source and content of the rule are not dependent on the steps of the method for their identity. As such, the recitation, "different than the gratuity distribution rules received from at least one other employer" constitutes patentably inconsequential non-functional descriptive material. See MPEP §2111.05. Further motivation for combining the teachings of Kessler, Delaney and Phillips are discussed in the rejection of claim 1, and are incorporated herein.

As per claim **19**, the claimed subject matter that is met by Kessler and Delaney includes:

6. Claim **6** is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Kessler in view of Delaney and Phillips as applied in claim 1, and further in view of United States Patent Application Publication No. 2014/0052613 A1 to Tavakoli *et al.* ("Tavakoli").

As per claim **6**, Kessler and Delaney fail to specifically teach wherein the gratuity management system comprises a cloud computing system. The Examiner provides Tavakoli to teach and disclose this claimed feature.

The claimed subject matter that is met by Tavakoli includes:

wherein the gratuity management system comprises a cloud computing system (Tavakoli: ¶¶ 0045 and 0051)

Kessler and Delaney teaches methods for allocating gratuities. Tavakoli teaches a comparable method for allocating gratuities that was improved in the same way as the claimed invention. Tavakoli offers the embodiment of a cloud computing system. One of ordinary skill in the art at the time the invention was made would have

recognized the adaptation of the cloud computing system as disclosed by Tavakoli to the servers as taught by Kessler and Delaney for the predicted result of improved methods for allocating gratuities. No additional findings are seen to be necessary.

7. Claims **7, 8** and **17** are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Kessler in view of Delaney and Phillips as applied in claim 1, and further in view of United States Patent Application Publication No. 2008/0065396 A1 to Marshall ("Marshall").

As per claim **7**, Kessler and Delaney fail to specifically teach the interface component generating a computer-readable file containing the transaction information and the employee information for the accounting period, and the gratuity management system receiving the computer-readable file and storing the received transaction information and the received employee information in a database. The Examiner provides Marshall to teach and disclose this claimed feature.

The claimed subject matter that is met by Marshall includes:

wherein receiving the step of communicating the transaction information and employee information for the accounting period further comprises: the interface component generating a computer-readable file containing the transaction information and the employee information for the accounting period, and the gratuity management system receiving the computer-readable file and storing the received transaction information and the received employee information in a database (Marshall: ¶¶ 0109 and 0110 "loading of information to the present invention from an IS may be performed via execution of an interface process and queries (e.g., database or SQL queries) to the

IS. This interface process is designed to read or query the information contained in the .DBF files or the like”).

Kessler and Delaney teaches methods for allocating gratuities. Marshall teaches a comparable method for allocating gratuities that was improved in the same way as the claimed invention. Marshall offers the embodiment of computer-readable files. One of ordinary skill in the art at the time the invention was made would have recognized the adaptation of generating and transferring computer-readable files as disclosed by Marshall to the systems as taught by Kessler and Delaney for the predicted result of improved methods for allocating gratuities. No additional findings are seen to be necessary.

As per claim **8**, the claimed subject matter that is met by Kessler, Delaney, Phillips and Marshall includes:

receiving the computer readable file from the client business system via the Internet (Marshall: ¶ 0110 “the file folder is located remotely and it is configured as a mapped drive on the local server via an Internet connection”).

The motivation for combining the teachings of Kessler, Delaney and Marshall are discussed in the rejection of claim 7, and are incorporated herein.

As per claim **17**, the claimed subject matter that is met by Kessler, Delaney, Phillips and Marshall includes:

communicating the determined gratuity allocation for each employee to an employer payroll system and distributing the determined gratuity allocation to each employee through, a payroll check (Kessler: ¶ 0041).

Marshall shows that it is well known to distribute funds to an employee via payroll check (Marshall: ¶¶ 0142 and 0146). Therefore, to accommodate a preference payroll checks for distribution (and as per KSR Rationale A), it would have been obvious to have distributed the determined allocation to each employee for through a payroll check. Further motivation for combining the teachings of Kessler, Delaney and Marshall are discussed in the rejection of claim 7, and are incorporated herein.

8. Claims **13** and **14** are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Kessler in view of Delaney and Phillips as applied in claim 1, and further in view of *Those trick tips*.

As per claims **13** and **14**, *Those tricky tips* discloses determining a total of gratuities received by a first group of employees (e.g., \$15, or 15% of \$100 earned by server); and allocating a portion of the total gratuities received by the first group of employees to a second group of employees based on distribution rules (i.e., \$95.20 less \$1.80 tip charge is distributed to a second group comprising expediter, busperson, bartender, and hostess), wherein the portion of the total gratuities received by the first group of employees allocated to the second group is determined based on the number of members in the second group (i.e., the portion is an aggregation of the amount due to each member in the second group). See attached article. Therefore, to share tips earned by waiters/severs with assisting or tip-out employees, it would have been obvious to person of ordinary skill in the art to have determined a total of gratuities received by a first group of employees (e.g. one or more servers); and to have allocated a portion of the total gratuities received by the first group of employees to a second

group of employees (e.g. the tip-out group) based on the distribution rules, wherein the portion of the total gratuities received by the first group of employees allocated to the second group of employees is determined based on the number of members in the second group of employees.

9. Claim **15** is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Kessler in view of Delaney and Phillips as applied in claim 1, and further in view of *Dune Service*.

As per claims **15**, *Dune Services* evidences that it is known to allocate a fixed amount of gratuities received by a member of a first group to a second group of employees (1.5% of sales) provided that a particular earning threshold (e.g., greater than or equal to \$100) is met. Therefore, to provide limit tip-outs to a particular earning threshold, it would have been obvious to a person of ordinary skill in the art to allocate a fixed amount of gratuities received by a member of a first group to a second group of employees provided that a particular earning threshold is met; selecting a gratuity threshold (i.e., gratuities greater than or equal to a threshold) would have been an obvious selection of a particular threshold amongst a finite selection of thresholds.

10. Claim **16** is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Kessler in view of Delaney and Phillips as applied in claim 1, and further in view of United States Patent Application Publication No. 2007/0043614 A1 to Daher ("Daher") and *Those tricky tips*.

As per claims **16**, the references as combined teach receiving transaction information. Daher further teaches determining total cash sales from transaction

information during an accounting period from transaction information (see para. 110, claim 20). *Those tricky tips* further discloses determining a total gratuity from a total sales (e.g. \$15 or 15% of \$100), and allocating the total gratuity to a plurality of employees based on distribution rules (see attached article, e.g., server gets \$150 less \$95.20; expediter gets \$20, bus person gets \$20, etc.). It would have been an obvious expedient to determine the total cash sales during the accounting period from the transaction information, and to have applied Tricky Tips' allocation scheme to the total cash sales--particularly, by allocating determining the total cash gratuity from the determined total cash sales, and allocating the total cash gratuity to the plurality of employees based on distribution rules--since the claimed invention is a combination of old elements/features, and in the combination each element/feature merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. See MPEP § 2143.

11. Claim **20** is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Kessler in view of Delaney and Phillips as applied in claim 1, and further in view of United States Patent Application Publication No. 2013/0173404 A1 to Scipioni ("Scipioni").

As per claims **20**, Scipioni teaches that it is known to notify an employee via at least one of a text message, email, or instant message of a determined gratuity (Scipioni: ¶ 0019). Therefore, to provide feedback to the employees (and as per KSR Rationale A), it would have been obvious to a person of ordinary skill in the art at the

time the invention was made to notifying the employee via a least one of a text message, email, or instant message of the determined gratuity allocation upon the determining.

12. Claims **30-36** are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Kessler in view of United States Patent Application Publication No. 2012/0173350 A1 to Robson ("Robson") and Phillips.

As per claim **30**, the claimed subject matter that is met by Kessler includes:

a system, comprising (Kessler: ¶ 0019 "integrated system and method for collecting and disbursing gratuities" and Fig. 1):

- a. a gratuity management system, comprising (Kessler: Fig. 1 (7))
 1. a server coupled to a computer network (Kessler: ¶ 0020); and
 2. a database, accessible by the server (Kessler: ¶¶ 0020 and 0041);

and

b, a plurality of client business systems, each client business system comprising (Kessler: ¶ 0019 and Fig. 1 (1));

1. at least one point of sale server (Kessler: ¶ 0006); and
2. a gratuity sync client application installed on the client business system (Kessler: ¶ 0035);

wherein the gratuity sync client application on each client business system is configured to extract transaction information and employee information from the client business system and to communicate the extracted information to the gratuity management system (Kessler: ¶¶ 0008 "an electronic gratuity device configured to

collect and transmit gratuity transaction information to the server”, 0020 “The method of establishing an EGD system may include providing at least one server 7 (step 102) and a website 8 (step 103). Servers store transaction information and EGD account information needed for proper management of funds collected at EGD locations. System servers 7 also support the web interfaces 8 which the EGD provider, EGD contractor and gratuity-collecting employees use to manage funds collected at EGD locations” and 0035 “Shift and employee information, as well as gratuity transaction information may be sent either in real time or periodically to the system servers 206”); and

wherein the gratuity management system is configured to receive the extracted transaction information and employee information from the plurality of client business systems and to store the received extracted information in the database (Kessler: ¶¶ 0035 “Shift and employee information, as well as gratuity transaction information may be sent either in real time or periodically to the system servers 206. The shift and employee information is used to generate work records that may dictate how shares of collected gratuity deposits are disbursed 207.” and 0041); and

wherein the gratuity management system is further configured execute gratuity distribution rules for allocating gratuities among at least a portion of the employees and to determine a gratuity allocation based on at least the received extracted transaction information, the received extracted employee information, and the gratuity distribution rules (Delaney: ¶¶ 0036 and 0037 “In the event that a shift accounting method is utilized, the tips for a particular shift are totaled and, once the shift is completed, the

system divides the total amount of shifts among the dealers working the shift, as indicated in box 106. The system can use a weight based division and distribution based on actual shift to hours worked so that if a dealer only works half of an eight hour shift, they are given a half share of the total tips collected”).

Kessler fails to specifically teach a client application. The Examiner provides Robson to teach and disclose this claimed feature.

The claimed subject matter that is met by Robson includes:

b, a plurality of client business systems, each client business system comprising (Robson: ¶ 0032);

1. at least one point of sale server (Robson: ¶ 0032); and
2. a gratuity sync client application installed on the client business system (Robson: ¶¶ 0032, 0051-0053 and 0065);

Kessler teaches restaurant managing system. Robson teaches a comparable restaurant managing system that was improved in the same way as the claimed invention. Robson offers the embodiment of a client application. One of ordinary skill in the art at the time the invention was made would have recognized the adaptation of the client application as disclosed by Robson to the specific EGDs as taught by Kessler for the predicted result of improved systems for managing gratuities. No additional findings are seen to be necessary.

Kessler and Delaney fail to specifically teach a server accessible by a plurality of clients and each of the client business systems corresponding to one of the plurality of clients. The Examiner provides Phillips to teach and disclose this claimed feature.

The claimed subject matter that is met by Phillips includes:

a system, comprising (Phillips: ¶¶ 0033, 0034 and 0044-0080 and Figs. 1-2):

a. a gratuity management system, comprising 1. a server coupled to a computer network and accessible by a plurality of clients; and 2. a database, accessible by the server (Phillips: ¶¶ 0033, 0034 and 0044-0080 and Figs. 1-2); and

b. a plurality of client business systems, each of the client business systems corresponding to one of the plurality of clients, each client business system comprising:

1. at least one point of sale server; and 2. a gratuity sync client application installed on the client business system; wherein the gratuity sync client application on each client business system is configured (Phillips: ¶¶ 0033, 0034 and 0044-0080 and Figs. 1-2)

to extract transaction information and employee information from the client business system and to communicate the extracted information to the gratuity management system (Phillips: ¶¶ 0033, 0034 and 0044-0080 and Figs. 1-2); and

wherein the gratuity management system is configured to receive the extracted transaction information and employee information from the plurality of client business systems and to store the received extracted information in the database (Phillips: ¶¶ 0033, 0034 and 0044-0080 and Figs. 1-2); and

wherein the gratuity management system is further configured execute gratuity distribution rules for allocating gratuities among at least a portion of the employees and to determine a gratuity allocation based on at least the received extracted transaction information, the received extracted employee information, and the gratuity distribution rules (Phillips: ¶¶ 0033, 0034 and 0044-0080 and Figs. 1-2).

Kessler and Delaney teach methods for allocating gratuities. Phillips teaches a comparable method for allocating gratuities that was improved in the same way as the claimed invention. Phillips offers the embodiment of a server accessible by a plurality of clients and each of the client business systems corresponding to one of the plurality of clients and several other limitations already identified. One of ordinary skill in the art at the time the invention was made would have recognized the particular gratuity management system as disclosed by Phillips to the management systems as taught by Kessler and Delaney for the predicted result of improved methods for allocating gratuities. No additional findings are seen to be necessary.

As per claim **31**, the claimed subject matter that is met by Kessler, Robson and Phillips includes:

wherein the gratuity sync client is further configured to format the extracted transaction and employee information into an XML file before communicating the extracted information to the gratuity management server (Robson: ¶ 0099).

The motivation for combining the teachings of Kessler, Robson and Phillips are discussed in the rejection of claim 30, and are incorporated herein.

As per claim **32**, the claimed subject matter that is met by Kessler, Robson and Phillips includes:

wherein the gratuity sync client is installed on the point of sale server (Robson: ¶¶ 0037-0042).

The motivation for combining the teachings of Kessler, Robson and Phillips are discussed in the rejection of claim 30, and are incorporated herein.

As per claim **33**, the claimed subject matter that is met by Kessler, Robson and Phillips includes:

wherein additional devices are connected to and accessible by the point of sale server (Robson: ¶¶ 0037-0042).

The motivation for combining the teachings of Kessler, Robson and Phillips are discussed in the rejection of claim 30, and are incorporated herein.

As per claim **34**, the claimed subject matter that is met by Kessler, Robson and Phillips includes:

wherein the gratuity distribution rules for allocating gratuities are independently configurable for each of the plurality of clients (Phillips: ¶ 0068).

The motivation for combining the teachings of Kessler, Robson and Phillips are discussed in the rejection of claim 30, and are incorporated herein.

As per claim **35**, the claimed subject matter that is met by Kessler, Robson and Phillips includes:

wherein the gratuity sync client is further configured to format the extracted transaction information and employee information into an XML file before communicating it to the gratuity management system (Robson: ¶ 0099).

The motivation for combining the teachings of Kessler, Robson and Phillips are discussed in the rejection of claim 30, and are incorporated herein.

As per claim **36**, the claimed subject matter that is met by Kessler, Robson and Phillips includes:

wherein at least one of the client business systems further comprises a time and attendance server (Phillips: ¶ 0062).

The motivation for combining the teachings of Kessler, Robson and Phillips are discussed in the rejection of claim 30, and are incorporated herein.

Conclusion

13. 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 date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNTER WILDER whose telephone number is (571)270-7948. The examiner can normally be reached on 9:00 a.m. - 5:30 p.m. (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on (571)272-6790. 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.

/HUNTER WILDER/
Primary Examiner, Art Unit 3627

<i>Index of Claims</i> 	Application/Control No. 13834466	Applicant(s)/Patent Under Reexamination STEPANOVICH, ALEKSANDAR
	Examiner HUNTER WILDER	Art Unit 3627

✓	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	04/19/2015	10/06/2015	02/16/2016	08/15/2016						
	1	✓	✓	✓	✓						
	2	✓	✓	✓	✓						
	3	✓	✓	✓	✓						
	4	✓	✓	✓	✓						
	5	✓	-	-	-						
	6	✓	✓	✓	✓						
	7	✓	✓	✓	✓						
	8	✓	✓	✓	✓						
	9	✓	✓	✓	✓						
	10	✓	✓	✓	✓						
	11	✓	✓	✓	✓						
	12	✓	✓	✓	✓						
	13	✓	✓	✓	✓						
	14	✓	✓	✓	✓						
	15	✓	✓	✓	✓						
	16	✓	✓	✓	✓						
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	29	✓	-	-	-						
	30			✓	✓						
	31			✓	✓						
	32			✓	✓						
	33				✓						
	34				✓						
	35				✓						
	36				✓						

Search Notes 	Application/Control No. 13834466	Applicant(s)/Patent Under Reexamination STEPANOVICH, ALEKSANDAR
	Examiner HUNTER WILDER	Art Unit 3627

CPC- SEARCHED		
Symbol	Date	Examiner
G 06Q 40/10	10/6/2015	/H.W./

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
705	15, 16 and 32	10/6/2015	/H.W./

SEARCH NOTES		
Search Notes	Date	Examiner
See attached EAST Search History	4/19/2015	KAM
Inventor Name Search	4/19/2015	KAM
Performed Keyword Search in EAST	10/6/2015	/H.W./
Performed Keyword Search in EAST	2/16/2016	/H.W./
Performed Keyword Search in EAST (see attached)	8/15/2016	/H.W./

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

	/HUNTER WILDER/ Primary Examiner. Art Unit 3627
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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	35	("20020095380" "20020198832" "20040059689" "20060111990" "20120123915" "20040225567" "6088681" "6625579" "20120310779" "20130041733" "6078899" "20020184148" "4819162" "6993502" "20040083134" "20110112940" "6889200" "20060128472" "20060143087" "20130085913" "20140365322" "8723652" "20060036528" "20090024456" "20110246314" "20120208622" "20130290173" "20030097303" "20110029418" "7398238" "20070043614" "20070239468" "20080065396" "20090258688" "20130041776").PN.	US-PGPUB; USPAT; JPO; IBM_TDB	OR	ON	2015/07/08 10:38
S2	9	S1 and (hours near2 worked)	US-PGPUB; USPAT; JPO; IBM_TDB	OR	ON	2015/07/08 10:38
S3	10	gratuity same10 (hours near2 worked)	US-PGPUB; USPAT; JPO; IBM_TDB	OR	ON	2015/07/08 10:39
S4	1	("20130103579").PN.	US-PGPUB; USPAT; JPO	OR	OFF	2015/07/08 11:00
S5	1	("20120174017").PN.	US-PGPUB; USPAT; JPO	OR	OFF	2015/07/08 11:11
S6	35	("20020095380" "20020198832" "20040059689" "20060111990" "20120123915" "20040225567" "6088681" "6625579" "20120310779" "20130041733" "6078899" "20020184148" "4819162" "6993502" "20040083134" "20110112940" "6889200" "20060128472" "20060143087" "20130085913" "20140365322" "8723652" "20060036528" "20090024456" "20110246314" "20120208622" "20130290173" "20030097303" "20110029418" "7398238" "20070043614" "20070239468" "20080065396" "20090258688" "20130041776").PN.	US-PGPUB; USPAT; JPO; IBM_TDB	OR	ON	2015/07/08 11:12
S7	1	gratuity\$.as.	US-PGPUB; USPAT; JPO;	OR	ON	2015/07/08 11:21

			IBM_TDB			
S8	26	tips same (hours near2 worked)	US-PGPUB; USPAT; JPO; IBM_TDB	OR	ON	2015/07/08 11:22
S9	11	gratuity near3 application	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2016/02/16 10:25
S10	4035	cloud same10 (tip or gratuity) same10 application	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2016/02/16 14:16
S11	6	cloud same (gratuity) same application	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2016/02/16 14:17
S12	1	cloud same (gratuity near4 system)	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2016/02/16 14:19
S13	1	cloud same (gratuity with system)	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2016/02/16 14:19
S14	4	cloud same (gratuity same system)	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2016/02/16 14:19
S15	21	cloud same10 (gratuity same system)	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2016/02/16 14:20
S16	1	("20140365322").PN.	US-PGPUB; USPAT; JPO	OR	OFF	2016/02/16 15:27
S17	1	gratuity same application same xml	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2016/02/16 16:39
S18	92	gratuity and application same xml	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2016/02/16 16:39
S19	60	gratuity same application and xml	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2016/02/16 16:39
S20	11	(US-20120208622-\$ or US-20140067499-\$	US-PGPUB	OR	ON	2016/05/16

		or US-20080065396-\$ or US-20130103579-\$ or US-20120174017-\$ or US-20130290173-\$ or US-20100217699-\$ or US-20140052613-\$ or US-20120310779-\$ or US-20120173350-\$ or US-20140365322-\$).did.				14:25
S21	2	S20 and (remote near4 server)	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2016/05/16 14:25
S22	0	(manag\$5 near6 gratuit\$4) same (remote near4 server)	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2016/05/16 14:27
S23	5	(manag\$5 near6 gratuit\$4) same10 (remote near4 server)	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2016/05/16 14:27

8/ 15/ 2016 4:39:35 PM

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re patent of:	Aleksandar STEPANOVICH	Docket No.:	209387.00003
Application No.:	13/834,466	Art Unit:	3627
Filed:	Mar. 15, 2013	Examiner:	Andrew H. WILDER
Title:	SYSTEM AND METHOD FOR MANAGING GRATUITIES		

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

REPLY AND REQUEST FOR RECONSIDERATION

Commissioner:

This paper is filed in response to the Final Rejection dated August 19, 2016.
Reconsideration is respectfully requested in view of the evidence and remarks presented herein.

The Commissioner is authorized to charge any fees due as a result of or in connection
with the filing of this paper to Deposit Account No. 15-0450.

REMARKS

This Reply and Request for Reconsideration is filed in response to the Office Action dated August 19, 2016. Claims 1-4, 6-21, and 30-36 currently stand rejected. No claims are added or canceled by amendment. Accordingly, Claims 1-4, 6-21 and 30-36 are at issue.

Claims 1-4, 6-21 and 30-30 currently stand rejected under 35 U.S.C. 101 as being directed to a judicial exception to patentability. The rejection is respectfully traversed. In particular, Applicant is submitting the Evidentiary Declaration of Aleksandar Stepanovich pursuant 37 C.F.R. 1.132 ("Stepanovich Decl.") concurrently with this Reply. The Stepanovich Decl. is necessary to respond to the positions taken by the Examiner in applying the case of EnFish v. Microsoft, 822 F.3d 1327 (Fed. Cir. 2016) to the claims as currently pending. In particular, the Stepanovich Decl. presents evidence that the invention as claimed recites improvements to computers themselves as opposed to simply using computers to implement abstract ideas. The Examiner's positions with respect to the application of Enfish to the claims were first articulated in the present Final Office Action, and Applicant has not had any earlier opportunity to respond to the examiners positions. Accordingly, Applicant respectfully requests entry of the Stepanovich Decl. pursuant to 37 C.F.R. 116(e).

The Stepanovich Decl. identifies numerous technological improvements that the invention makes with respect to the operation of computer systems themselves. For example, the '466 Application teaches that one component of the technological solution is to provide an interface component 206 that integrates with the business's systems to extract the transaction information and employee information to be used in determining the gratuity allocations. Stepanovich Decl. ¶ 5 (citing to Application, ¶¶0044-45). That is, the client business system is modified to by installing this interface component 206. Id. The '466 Application further teaches that the interface component 206 extracts transaction and employee information and creates a computer-readable file, such as an XML file. Stepanovich Decl. ¶ 6

The '466 Application further teaches that another component of the technological solution is to provide a cloud computing system 210 including a processor 212 and database 214 and being capable of receiving data from the interface component 206. Stepanovich Decl. ¶ 7 (citing to Application, ¶0046). The interface component 206 may initiate all communication with other components of the gratuity management system improving the security of the system. Stepanovich Decl. ¶ 8 (citing to Application, ¶ 0045).

The solution as claimed in independent claims 1 and 30 improves computing efficiency in several ways. First, retail client business systems, such as Point of Sale systems, may be resource constrained. Installing a lightweight interface component on a client business system to extract only certain necessary information minimally affects the client business system and avoids the need to install the entire gratuity management functionality on the client business system and potentially overburdening the system. Stepanovich Decl. ¶ 9. Second, the solution provides a remote server to handle gratuity computations so that the client business system is not overburdened with additional computing demands. Stepanovich Decl. ¶ 10. Third, providing a cloud-based service to handle certain discrete, common computing tasks concerning gratuities for a plurality of distinct clients, while not centralizing all client business operations, results in optimal computing and communication efficiencies. Stepanovich Decl. ¶ 11.

Additional improvements flow from this centralized data handling. For example, the technological improvements also allows an employee of the business to retrieve and access his or her personal and computed income-related data through various remote devices from any retail point of sales systems or client business system. Stepanovich Decl. ¶ 12. Additionally, the technological improvements extract and normalize data from various point of sales systems, providing an integration point for multiple other external platforms to retrieve, obtain, recognize and process the computed information from the retail business system or client business system. Stepanovich Decl. ¶ 13.

Finally, the invention eliminates double entry of transactional information and employee information, because it extracts information that is captured during routine business operations, thereby avoiding erroneous entries, improving accuracy and improving results. Stepanovich Decl. ¶ 14.

For the reasons provided above, the claims recite patent eligible subject matter under Section 101 for the same reasons relied upon in Enfish. Like the claims under consideration in Enfish, the present claims are directed to specific improvement to the way that computers operate. In particular, with only minor modifications to a client business system to install a synchronization client, entirely new utility may be derived from business data collected during routine operations, and this new utility is realized on a remote server thereby avoiding affecting normal business operations. The claims are not directed at an abstract idea for which computers

are merely a tool for doing it faster than one could do with pencil and paper. Accordingly, it is respectfully requested that the rejection under Section 101 be withdrawn.

Claims 1-4, 9, 12, 18, 19 and 21 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Kessler et al. (US 2013/010357, "Kessler") in view of Delaney et al. (US 2012/0208622, "Delaney") and Phillips (US 2014/0365322, "Phillips"). This rejection is respectfully traversed.

Applicant requests reconsideration of the Rule 131 Declaration filed July 30, 2015. The Rule 131 Declaration established that an actual reduction to practice occurred by prior to October 25, 2011. Diligence from time of conception to reduction to practice need not be shown because Applicant is not relying on the date of conception, but rather on the actual reduction to practice. Because the present invention was reduced to practice before the priority dates of Kessler or Phillips, Kessler and Phillips are not prior art to the present invention under section 102(a) (pre-AIA), and it is respectfully requested that the rejection be withdrawn. Additionally, it has not been shown that the provisional application on which Phillips relies for priority (Ser. No. 61/611,123) discloses the subject matter relied upon in the present rejection. The rejection should be withdrawn for this additional reason.

Furthermore, Kessler appears to be completely unrelated to the invention at issue. Kessler concerns a stand-alone electronic tip jar to collect a second set of payments separate and apart from a retail establishment's point of sale and business systems. In contrast to Kessler, the present invention is integrated with a client business system, and includes an interface component that extracts and communicates certain information that is captured in the client business systems during normal business operations. Kessler teaches away from the present system by including a separate step, device, and network for collecting gratuities. Delaney also differs from the claimed invention in this regard. Phillips, in contrast to the claimed invention, appears to concern crediting a worker's tip income on a pre-paid card. (Phillips, ¶0034), and does not teach or disclose the invention as claimed. Accordingly, claim 1, and all claims that depend from claim 1, including claims 2-4, 9, 18, 19 and 21, are believed patentable over the cited documents.

Claims 7, 8, 10-17, and 20 currently stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Kessler and Delaney, and further in view of various other references. The rejections are respectfully traversed. The remarks set forth above with respect to claim 1

are incorporated by reference. Claims 7, 8, 10-17, and 20 are believed patentable for at least the same reasons as claim 1.

Claims 30-36 currently stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Kessler in view of U.S. Pat. Pub. No. 2012/0173350 to Robson and Phillips. The rejection is respectfully traversed. The remarks set forth above with respect to Kessler and Phillips as applied to claim 1 are incorporated by reference. Additionally, Kessler does not teach or suggest a gratuity sync client application installed on each of a plurality of client business systems and configured to extract transaction information and employee information from the client business system, and to communicate the extracted information to a remote gratuity management system. Claims 30-36, are believed patentable for least these reasons.

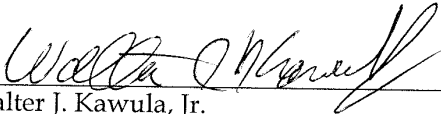
Conclusion

Applicant respectfully submits that all pending claims are in condition for allowance. Applicant encourages the Examiner to call its undersigned counsel to resolve any additional questions that the Examiner may have to place the claims in condition for allowance.

Date: 10/19/2016

Respectfully submitted,

Hahn Loeser & Parks LLP
125 South Wacker Drive, Suite 2900
Chicago, Illinois 60606
(312) 655-3050



Walter J. Kawula, Jr.
Reg. No. 39,724

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Appl. No. : 13/834,466
Applicant : Gratuity LLC
Filed : March 15, 2013
Art Unit : 3627
Examiner : Andrew H. Wilder
Docket No. : 209387.00003
Title: : SYSTEM AND METHOD FOR MANAGING GRATUITIES

**EVIDENTIARY DECLARATION TO
OVERCOME REJECTION (37 C.F.R. § 1.132)**

I, Aleksandar Stepanovich, declare:

FACTS AND DOCUMENTARY EVIDENCE

1. I am the inventor of this United States Patent Application Serial No. 13/834,466 (the '466 Application). I have read the specification including the claims of this application and am familiar with its contents.
2. I am also a co-owner of Gratuity LLC, the assignee of the '466 Application.
3. I have worked in the restaurant field for 14 years, and have extensive experience with the processes and procedures used to manage the collection, distribution, and accounting of gratuities received by restaurant employees.
4. The '466 Application discloses improvements to retail business systems, such as restaurant Point of Sale systems, and supporting cloud services systems. The end result of such systems is to facilitate managing and reporting the allocations of gratuities. However, the improvements are technological in nature.
5. For example, the '466 Application teaches that one component of the technological solution is to provide an interface component 206 that integrates with the business's systems to extract the transaction information and employee information to be used in determining the gratuity allocations. Application, Paragraphs 0044-45. That is, the client business system is modified to by installing this interface component 206.
6. The '466 Application further teaches that the interface component 206 extracts transaction and employee information and creates a computer-readable file, such as an XML file.

7. The '466 Application further teaches that another component of the technological solution is to provide a cloud computing system 210 including a processor 212 and database 214 and capable of receiving data from the interface component 206. Application, Paragraph 0046.
8. The interface component 206 may initiate all communication with other components of the gratuity management system improving the security of the system. Application, Paragraph 0045.
9. This solution improves computing efficiency in several ways. First, retail client business systems, such as Point of Sale systems, may be resource constrained. Installing only an interface component on a client business system to extract only certain necessary information minimally affects the client business system and avoids the need to install the entire gratuity management functionality on the client business system and potentially overburdening the system.
10. Second, the solution provides a remote server to handle gratuity computations so that the client business system is not overburdened with additional computing demands.
11. Third, providing a cloud-based service to handle certain discrete, common computing tasks concerning gratuities for a plurality of distinct clients, while not centralizing all client business operations, results in optimal computing and communication efficiencies.
12. Fourth, the applications improvement also allows an employee of the business to retrieve and access its personal and computed income related data through various remote devices from any retail point of sales systems or client business system.
13. Fifth, the application improvement extracts and normalizes data from various point of sales systems, providing an integration point for multiple other external platforms to retrieve, obtain, recognize and process the computed information from the retail business system or client business system.
14. Finally, the invention eliminates double entry of transactional information and employee information, because it extracts information that is captured during routine business operations, thereby avoiding erroneous entries, improving accuracy and improving results.

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 §1001 of Title 18 of the U.S.C. and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

10/12/2016
Date


Aleksandar Stepanovich

Electronic Acknowledgement Receipt	
EFS ID:	27261037
Application Number:	13834466
International Application Number:	
Confirmation Number:	2038
Title of Invention:	SYSTEM AND METHOD FOR MANAGING GRATUITIES
First Named Inventor/Applicant Name:	Aleksandar STEPANOVICH
Customer Number:	102467
Filer:	Walter J. Kawula Jr./Shannon Geers
Filer Authorized By:	Walter J. Kawula Jr.
Attorney Docket Number:	209387.00003
Receipt Date:	19-OCT-2016
Filing Date:	15-MAR-2013
Time Stamp:	14:31:09
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		AmenedmentFinal.pdf	386835	yes	7
			b1c2e53c33861a2aa3038ec76c6776e79d9ac7		

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Response After Final Action	1	1
	Applicant Arguments/Remarks Made in an Amendment	2	7
Warnings:			
Information:			
Total Files Size (in bytes):		386835	
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.			



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/834,466	03/15/2013	Aleksandar STEPANOVICH	209387.00003	2038
102467 7590 11/07/2016 Hahn Loeser + Parks LLP 65 East State Street Suite 1400 Columbus, OH 43215			EXAMINER WILDER, ANDREW H	
			ART UNIT 3627	PAPER NUMBER
			NOTIFICATION DATE 11/07/2016	DELIVERY MODE ELECTRONIC

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

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

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

patents@hahnlaw.com

Advisory Action Before the Filing of an Appeal Brief	Application No. 13/834,466	Applicant(s) STEPANOVICH, ALEKSANDAR	
	Examiner HUNTER WILDER	Art Unit 3627	AIA (First Inventor to File) Status No

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

THE REPLY FILED 19 October 2016 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.
NO NOTICE OF APPEAL FILED

1. ☒ The reply was filed after a final rejection. No Notice of Appeal has been filed. 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 if this is a utility or plant application. Note that RCEs are not permitted in design applications. The reply must be filed within one of the following time periods:

a) ☐ The period for reply expires _____ 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.

c) ☐ A prior Advisory Action was mailed more than 3 months after the mailing date of the final rejection in response to a first after-final reply filed within 2 months of the mailing date of the final rejection. The current period for reply expires _____ months from the mailing date of the prior Advisory Action or SIX MONTHS from the mailing date of the final rejection, whichever is earlier.

Examiner Note: If box 1 is checked, check either box (a), (b) or (c). ONLY CHECK BOX (b) WHEN THIS ADVISORY ACTION IS THE FIRST RESPONSE TO APPLICANT'S FIRST AFTER-FINAL REPLY WHICH WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. ONLY CHECK BOX (c) IN THE LIMITED SITUATION SET FORTH UNDER BOX (c). 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) or (c) 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 amendments 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 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.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

9. ☐ The affidavit or other evidence filed after 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).

10. ☐ The affidavit or other evidence filed after the date of filing the 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 of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

11. ☐ 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

12. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

13. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

14. ☐ Other: _____.

STATUS OF CLAIMS

15. The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-4,6-21 and 30-36.

Claim(s) withdrawn from consideration: _____.

/HUNTER WILDER/ Primary Examiner, Art Unit 3627	
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Continuation of 12. does NOT place the application in condition for allowance because: Applicant's arguments filed in the Reply and Request for Reconsideration ("Response") on 19 October 2016 with respect to the rejection under 35 USC 101 (Response: pgs. 2-4) have been fully considered but they are not persuasive. Claims 1-4, 6-21 and 30-36 are directed to receiving information to determine gratuity allocations which is comparable to comparing and organizing information (i.e. the steps of extracting, communicating, receiving and determining) for transmission, which is similar to concepts that have been identified as abstract by the courts, such as using categories to organize, store and transmit information in Cyberfone. Additionally determining gratuity allocation for employees could be described as creating a contractual relationship which is similar to concepts that have been identified as fundamental economic practices and certain methods of organizing human activity and thus an abstract idea. Waiters have for a long time manually kept track of their tips and further allocated the tips to other employees, i.e. bussers (Instant Specification: parag 0003). Further, the claims here are unlike the claims in Enfish. In Enfish, the Courts applied the distinction to reject the § 101 challenge at stage one because the claims at issue focused not on asserted advances in uses to which existing computer capabilities could be put, but on a specific improvement—a particular database technique—in how computers could carry out one of their basic functions of storage and retrieval of data. The present case is different: the focus of the claims is not on such an improvement in computers as tools, but on certain independently abstract ideas that use computers as tools. The claims attempt to improve retail business systems (see Declaration filed 19 October 2016) is not focused on an attempt to improve the system itself, but to improve the abstract idea within the system of determining gratuity allocations more accurately, timely and securely (Instant Specification: parag 0003). The claims do not include additional elements (i.e. an interface component resident on a client business system and a gratuity management system) that are sufficient to amount to significantly more than the judicial exception because when taken in combination, together do not offer substantially more than the sum of the functions of the elements when each is taken alone.

The Declaration of Aleksandar Stepanovich ("Declaration") filed on 30 July 2015 under 37 CFR 1.131(a) (Response: pgs. 4-5) has been considered but is ineffective to overcome the United States Patent Application Publication No. 2013/010357 to Kessler et al. ("Kessler") reference. The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Kessler reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 OG 1417 (D.C. Cir. 1897). The evidence fails to establish conception of many of the system components including "a client business system extracting transaction and employee information during an accounting period from the client business system", "communicating the extracted transaction and employee information to a gratuity management system", "the gratuity management system... comprising at least one processor configured to execute computer-executable instructions stored in memory", "receiving transaction information from the client business system", "receiving employee information from the client business system". Further, because the evidence fails to show an actual reduction to practice, the evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Kessler reference to either a constructive reduction to practice or an actual reduction to practice. Applicant has submitted Exhibit A dated for 1 April 2009 and Exhibits B and C supposedly dated for 16 April 2009, however no further evidence has been shown proving diligence for over a two year span (16 April 2009 thru 25 October 2011).

Further, Applicant has not identified a specific limitation not disclosed by the prior art in the claims, but rather argues "the presnet invention is integrated with a client business system, and includes an interface component that extracts and communicates certain information that is captured in the client business systems during normal business operations" (Response: pg. 4). As already indicated in the Final Rejection ("Final") mailed 16 October 2015 "Kessler and Delaney fail to specifically teach the gratuity management system having an interface for accepting information from a plurality of clients. The Examiner provides Phillips to teach and disclose this claimed feature. The claimed subject matter that is met by Phillips includes: an interface component resident on a client business system extracting transaction and employee information during an accounting period from the client business system (Phillips: ¶¶ 0033, 0034 and 0044-0080 and Figs. 1-2); the interface component communicating the extracted transaction and employee information to a gratuity management system (Phillips: ¶¶ 0033, 0034 and 0044-0080 and Figs. 1-2) the gratuity management system having an interface for accepting information from a plurality of clients and comprising at least one processor configured to execute computer-executable instructions stored in memory to perform the following acts (Phillips: ¶¶ 0033, 0034 and 0044-0080 and Figs. 1-2): receiving transaction information from the client business system, wherein the transaction information comprises at least gratuity data for each of a plurality of transactions during an accounting period (Phillips: ¶¶ 0033, 0034 and 0044-0080 and Figs. 1-2), receiving employee information from the client business system, wherein the employee information comprises at least hours worked for each of a plurality of employees during the accounting period (Phillips: ¶¶ 0033, 0034 and 0044-0080 and Figs. 1-2); receiving gratuity distribution rules for allocating gratuities among at least a portion of the employees (Phillips: ¶¶ 0033, 0034 and 0044-0080 and Figs. 1-2); and determining a gratuity allocation for each applicable employee of the plurality of employees based on at least the received transaction information, the received employee information, and the received gratuity distribution rules (Phillips: ¶¶ 0033, 0034 and 0044-0080 and Figs. 1-2). Kessler and Delaney teach methods for allocating gratuities. Phillips teaches a comparable method for allocating gratuities that was improved in the same way as the claimed invention. Phillips offers the embodiment of the gratuity management system having an interface for accepting information from a plurality of clients and several other limitations already identified. One of ordinary skill in the art at the time the invention was made would have recognized the particular gratuity management system as disclosed by Phillips to the management systems as taught by Kessler and Delaney for the predicted result of improved methods for allocating gratuities. No additional findings are seen to be necessary." (Final: pgs. 11 and 12).

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re patent of:	Aleksandar STEPANOVICH	Docket No.:	209387.00003
Application No.:	13/834,466	Art Unit:	3627
Filed:	Mar. 15, 2013	Examiner:	Andrew H. WILDER
Title:	SYSTEM AND METHOD FOR MANAGING GRATUITIES		

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

OK TO ENTER: /AHW/

REPLY AND REQUEST FOR RECONSIDERATION

Commissioner:

This paper is filed in response to the Final Rejection dated August 19, 2016.
Reconsideration is respectfully requested in view of the evidence and remarks presented herein.

The Commissioner is authorized to charge any fees due as a result of or in connection
with the filing of this paper to Deposit Account No. 15-0450.

Doc Code: AP.PRE.REQ

PTO/AIA/33 (03-13)

Approved for use through 07/31/2013. OMB 0651-0031

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

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

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO, EFS-Web transmitted to the USPTO, or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>December 19, 2016</u> Signature <u>/Walter J. Kawula/</u> Typed or printed name <u>Walter J. Kawula, Jr.</u>		Application Number	Filed
		13/834,466	03/15/2013
		First Named Inventor	
		Aleksandar STEPANOVICH	
Art Unit		Examiner	
3627		Andrew H. Wilder	
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided. I am the <u>/Walter J. Kawula/</u> Signature <u>Walter J. Kawula, Jr.</u> Typed or printed name <u>(312) 637-3050</u> Telephone number <u>December 19, 2016</u> Date ☐ applicant. ☒ attorney or agent of record. Registration number <u>39724</u> ☐ attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____ NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*. ☒ *Total of <u>1</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. 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, 1.14 and 41.6. 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 AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re patent of:	Aleksandar STEPANOVICH	Docket No.:	209387.00003
Application No.:	13/834,466	Art Unit:	3627
Filed:	Mar. 15, 2013	Examiner:	Andrew H. WILDER
Title:	SYSTEM AND METHOD FOR MANAGING GRATUITIES		

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

Pre-Appeal Brief Request for Review

Commissioner:

This paper is filed in response to the Final Rejection dated August 19, 2016 and Advisory Action dated November 7, 2016. A Pre-Appeal Brief Conference is requested in view of the following Remarks.

REMARKS

Claims 1-4, 6-21 and 30-30 currently stand rejected under 35 U.S.C. 101 as being directed to a judicial exception to patentability. The rejection should be withdrawn pursuant to the holding of Amdocs (Israel) Limited v. Openet Telecom Inc., No. 2015-1180 (Fed. Cir. Nov. 1 2016), which was handed down by the Court of Appeals for the Federal Circuit after the mailing of the present rejection, and which provides additional reasons for allowance of the claims.

The claims in Amdocs concerned a computer program comprising, inter alia, code for receiving a first network accounting records from a first source and code for correlating the accounting records with information available from a second source, and using the information to enhance the first network accounting records. Amdocs, Slip. Op. at 20. The Federal Circuit had previously construed the “enhance” feature as dependent upon the invention’s distributed architecture. Id., Slip Op. at 22. In finding the claims to recite patent eligible subject matter, the Federal Circuit turned to the written description of the patent, which states that “the distributed

8852089.1

data gathering, filtering and enhancement performed in the system 100 enables load distribution.” Relying on this written description, the Court found: “this claim entails an unconventional technological solution (enhancing data in a distributed fashion) to a technological problem (massive record flows which previously required massive databases).”

The Federal Circuit further distinguished the claims from previous decisions involving patent-ineligible claims because the claims of Amdocs were narrowly drawn to avoid preemption, and because components of the invention were not merely combined in a generic manner:

claim 1 of the '065 patent is tied to a specific structure of various components (network devices, gatherers, ISMs, a central event manager, a central database, a user interface server, and terminals or clients). It is narrowly drawn to **not preempt any and all generic enhancement of data in a similar system**, and does not merely combine the components in a generic manner, but instead **purposefully arranges the components in a distributed architecture to achieve a technological solution to a technological problem** specific to computer networks.

Id., Slip Op. at 24 (emphasis added). The claims at issue are like those in Amdocs in that they are narrowly drawn to specific structure providing the technological advancements of the invention, as set forth in the Evidentiary Declaration of Aleksandar Stepanovich pursuant 37 C.F.R. 1.132 (“Stepanovich Decl.”) (filed October 19, 2016).

The Stepanovich Decl. identifies numerous technological improvements that the invention makes with respect to the operation of computer systems themselves and identifies where those technological improvements are supported in the written description. For example, the '466 Application teaches that one component of the technological solution is to provide an interface component 206 that integrates with the business's systems to extract the transaction information and employee information to be used in determining the gratuity allocations. Stepanovich Decl. ¶ 5 (citing to Application, ¶¶0044-45). That is, the client business system is modified to by installing this interface component 206. Id. The '466 Application further teaches that the interface component 206 extracts transaction and employee information and creates a computer-readable file, such as an XML file. Stepanovich Decl. ¶ 6. This interface component is recited in claim 1 (“interface component”) and in claim 30 (“gratuity sync client application”).

The '466 Application further teaches that another component of the technological solution is to provide a cloud computing system 210 including a processor 212 and database 214

and being capable of receiving data from the interface component 206. Stepanovich Decl. ¶ 7 (citing to Application, ¶0046). This component is also recited in claim 1 (“gratuity management system having an interface for accepting information from a plurality of clients and comprising at least one processor”) and claim 30 (“a server coupled to a computer network and accessible by a plurality of clients”). Accordingly, like the claims in Amdocs, the present claims purposefully arrange the components in a distributed architecture to achieve a technological solution to a technological problem specific to certain computer networks.

The technological solution as claimed in independent claims 1 and 30 improves computing efficiency in several ways. First, retail client business systems, such as Point of Sale systems, may be resource constrained. Installing a lightweight interface component on a client business system to extract only certain necessary information minimally affects the client business system and avoids the need to install the entire gratuity management functionality on the client business system and potentially overburdening the system. Stepanovich Decl. ¶ 9. Second, the solution provides a remote server to handle gratuity computations so that the client business system is not overburdened with additional computing demands. Stepanovich Decl. ¶ 10. Third, providing a cloud-based service to handle certain discrete, common computing tasks concerning gratuities for a plurality of distinct clients, while not centralizing all client business operations, results in optimal computing and communication efficiencies. Stepanovich Decl. ¶ 11. Additional technological improvements are set forth in the Reply And Request For Reconsideration filed October 19, 2016 at page 3, which are incorporated by reference.

For the reasons provided above, the claims recite patent eligible subject matter under Section 101 for the same reasons as relied upon in Enfish and in Amdocs. Like Amdocs, the specification and claims describe a technical solution to a computer problem which is solved with a distributed computing system. As with Amdocs, the claims do not preempt all computerized means and methods for calculating gratuities, but only covers such methods and systems which include an interface component on a client business system that communicates specific data with a separate, computer system that interfaces with a plurality of clients.

Like the claims under consideration in Enfish, the present claims are directed to specific improvement to the way that computers operate. In particular, with only minor modifications to a client business system to install a synchronization client, entirely new utility may be derived from business data collected during routine operations, and this new utility is realized

on a remote server thereby avoiding affecting normal business operations. The claims are not directed at an abstract idea for which computers are merely a tool for doing it faster than one could do with pencil and paper. Additional discussion and remarks concerning Enfish are provided in the Reply and Amendment filed May 23, 2016, at pages 9-10, and which are incorporated by reference.

In view of the new case law that has been handed down after the Section 101 rejections were made, and the foregoing remarks, it is respectfully requested that the rejection under Section 101 be withdrawn.

The pending claims also stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over several publications, including Kessler et al. (US 2013/010357), Delaney et al. (US 2012/0208622) or Robson (US 2012/0173350), and Phillips (US 2014/0365322). However, when the interface component (claim 1) or gratuity sync client application (claim 30) elements are given their proper weight as providing a technological solution as described above, it becomes clear that the claims are not rendered unpatentable by these documents, either alone or in combination.

Kessler appears to be completely unrelated to the invention at issue. Kessler concerns a stand-alone electronic tip jar to collect a second set of payments which is separate and apart from a retail establishment's point of sale and business systems. In contrast to Kessler, the present invention is integrated with a client business system, and includes an interface component that extracts and communicates certain information that is captured in the client business systems during normal business operations. Kessler teaches away from the present system by including a separate step, device, and network for collecting gratuities. Delaney also differs from the claimed invention in this regard. Phillips, in contrast to the claimed invention, appears to concern crediting a worker's tip income on a pre-paid card. (Phillips, ¶0034), and does not teach or disclose the invention as claimed. Accordingly, it is believed that claims are patentable over the cited documents. Additional Remarks as provided in the Reply filed October 19, 2016 at pages 4-5 are incorporated by reference.

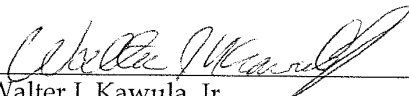
Conclusion

Applicant respectfully submits that all pending claims are in condition for allowance. Applicant encourages the Examiner to call its undersigned counsel to resolve any additional questions that the Examiner may have to place the claims in condition for allowance.

Date: December 19, 2016

Respectfully submitted,

Hahn Loeser & Parks LLP
125 South Wacker Drive, Suite 2900
Chicago, Illinois 60606
(312) 655-3050



Walter J. Kawula, Jr.
Reg. No. 39,724

Electronic Patent Application Fee Transmittal				
Application Number:		13834466		
Filing Date:		15-Mar-2013		
Title of Invention:		SYSTEM AND METHOD FOR MANAGING GRATUITIES		
First Named Inventor/Applicant Name:		Aleksandar STEPANOVICH		
Filer:		Walter J. Kawula Jr./Shannon Geers		
Attorney Docket Number:		209387.00003		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
NOTICE OF APPEAL	2401	1	400	400
Post-Allowance-and-Post-Issuance:				

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

Electronic Acknowledgement Receipt	
EFS ID:	27835985
Application Number:	13834466
International Application Number:	
Confirmation Number:	2038
Title of Invention:	SYSTEM AND METHOD FOR MANAGING GRATUITIES
First Named Inventor/Applicant Name:	Aleksandar STEPANOVICH
Customer Number:	102467
Filer:	Walter J. Kawula Jr./Shannon Geers
Filer Authorized By:	Walter J. Kawula Jr.
Attorney Docket Number:	209387.00003
Receipt Date:	19-DEC-2016
Filing Date:	15-MAR-2013
Time Stamp:	16:40:34
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$400
RAM confirmation Number	122016INTEFSW00004227150450
Deposit Account	150450
Authorized User	Shannon Geers
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 37 CFR 1.16 (National application filing, search, and examination fees) 37 CFR 1.17 (Patent application and reexamination processing fees)	

37 CFR 1.19 (Document supply fees)
 37 CFR 1.20 (Post Issuance fees)
 37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Extension of Time	Extension.pdf	163304	no	2
			21fa0a032ebad732c20bf0de4457b20c25331076		
Warnings:					
Information:					
2	Notice of Appeal Filed	NOA.pdf	237550	no	2
			b34e8c0dca415a212e1a122f09fc237ab1909509		
Warnings:					
Information:					
3	Pre-Brief Conference request	PreAppealRequest.pdf	307732	no	6
			fe79ef9b8c11c5f6f93c6215185c63ec6ff452a4		
Warnings:					
Information:					
4	Fee Worksheet (SB06)	fee-info.pdf	30564	no	2
			8b1f17233289681647f19ff4ea4518a08c6fcfd9		
Warnings:					
Information:					
Total Files Size (in bytes):			739150		

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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.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) 209387.3																																		
Application Number 13/834,466	Filed March 15, 2013																																			
For System and Method for Managing Gratuities																																				
Art Unit 3627	Examiner Andrew H. Wilder																																			
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): <table style="width: 100%; border-collapse: collapse;"><thead><tr><th></th><th style="text-align: center;"><u>Fee</u></th><th style="text-align: center;"><u>Small Entity Fee</u></th><th style="text-align: center;"><u>Micro Entity Fee</u></th><th></th></tr></thead><tbody><tr><td>☒ One month (37 CFR 1.17(a)(1))</td><td style="text-align: right;">\$200</td><td style="text-align: right;">\$100</td><td style="text-align: right;">\$50</td><td style="text-align: right;">\$ <u>100</u></td></tr><tr><td>☐ Two months (37 CFR 1.17(a)(2))</td><td style="text-align: right;">\$600</td><td style="text-align: right;">\$300</td><td style="text-align: right;">\$150</td><td style="text-align: right;">\$ _____</td></tr><tr><td>☐ Three months (37 CFR 1.17(a)(3))</td><td style="text-align: right;">\$1,400</td><td style="text-align: right;">\$700</td><td style="text-align: right;">\$350</td><td style="text-align: right;">\$ _____</td></tr><tr><td>☐ Four months (37 CFR 1.17(a)(4))</td><td style="text-align: right;">\$2,200</td><td style="text-align: right;">\$1,100</td><td style="text-align: right;">\$550</td><td style="text-align: right;">\$ _____</td></tr><tr><td>☐ Five months (37 CFR 1.17(a)(5))</td><td style="text-align: right;">\$3,000</td><td style="text-align: right;">\$1,500</td><td style="text-align: right;">\$750</td><td style="text-align: right;">\$ _____</td></tr></tbody></table> ☒ Applicant asserts small entity status. See 37 CFR 1.27. ☐ Applicant certifies micro entity status. See 37 CFR 1.29. Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously. ☐ A check in the amount of the fee is enclosed. ☐ Payment by credit card. Form PTO-2038 is attached. ☐ The Director has already been authorized to charge fees in this application to a Deposit Account. ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>15-0450</u>. ☒ Payment made via EFS-Web. 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. ☒ attorney or agent of record. Registration number <u>39724</u>. ☐ attorney or agent acting under 37 CFR 1.34. Registration number _____. <table style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; padding: 5px;"><u>/Walter J. Kawula/</u> Signature</td><td style="width: 50%; padding: 5px;"><u>December 19, 2016</u> Date</td></tr><tr><td style="padding: 5px;"><u>Walter J. Kawula</u> Typed or printed name</td><td style="padding: 5px;"><u>(312) 637-3050</u> Telephone Number</td></tr></table> NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.				<u>Fee</u>	<u>Small Entity Fee</u>	<u>Micro Entity Fee</u>		☒ One month (37 CFR 1.17(a)(1))	\$200	\$100	\$50	\$ <u>100</u>	☐ Two months (37 CFR 1.17(a)(2))	\$600	\$300	\$150	\$ _____	☐ Three months (37 CFR 1.17(a)(3))	\$1,400	\$700	\$350	\$ _____	☐ Four months (37 CFR 1.17(a)(4))	\$2,200	\$1,100	\$550	\$ _____	☐ Five months (37 CFR 1.17(a)(5))	\$3,000	\$1,500	\$750	\$ _____	<u>/Walter J. Kawula/</u> Signature	<u>December 19, 2016</u> Date	<u>Walter J. Kawula</u> Typed or printed name	<u>(312) 637-3050</u> Telephone Number
	<u>Fee</u>	<u>Small Entity Fee</u>	<u>Micro Entity Fee</u>																																	
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<u>Walter J. Kawula</u> Typed or printed name	<u>(312) 637-3050</u> Telephone Number																																			

☒ * Total of <u>1</u> forms are submitted.
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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: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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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.
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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.

NOTICE OF APPEAL FROM THE EXAMINER TO THE PATENT TRIAL AND APPEAL BOARD		Docket Number (Optional) 209387.3
I hereby certify that this correspondence is being facsimile transmitted to the USPTO, EFS-Web transmitted to the USPTO, or deposited with the United States Postal Service with sufficient postage in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, on Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>December 19, 2016</u> . Signature <u>/Walter J. Kawula/</u> Typed or printed name <u>Walter J. Kawula, Jr.</u>	In re Application of Aleksandar STEPANOVICH Application Number 13/834,466 Filed March 15, 2013 For System and Method for Managing Gratuities Art Unit 3627 Examiner Andrew H. Wilder	
Applicant hereby appeals to the Patent Trial and Appeal Board from the last decision of the examiner.		
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ <u>800.00</u>		
☒ Applicant asserts small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by 50%, and the resulting fee is: \$ <u>400.00</u>		
☐ Applicant certifies micro entity status. See 37 CFR 1.29. Therefore, the fee shown above is reduced by 75%, and the resulting fee is: \$ _____ Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.		
☐ A check in the amount of the fee is enclosed.		
☐ Payment by credit card. Form PTO-2038 is attached.		
☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>150450</u> .		
☒ Payment made via EFS-Web.		
☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/AIA/22 or equivalent) is enclosed. For extensions of time in reexamination proceedings, see 37 CFR 1.550.		
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.		
I am the		
☐ applicant ☒ attorney or agent of record Registration number <u>39724</u> ☐ attorney or agent acting under 37 CFR 1.34 Registration number _____		
Signature <u>/Walter J. Kawula/</u>		
Typed or printed name <u>Walter J. Kawula, Jr.</u>		
Telephone Number <u>(312) 637-3050</u>		
Date <u>December 19, 2016</u>		
NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.		
☒ * Total of <u>1</u> forms are submitted.		

This collection of information is required by 37 CFR 41.20(b)(1) and 41.31. 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, 1.14 and 41.6. 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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Electronic Patent Application Fee Transmittal				
Application Number:		13834466		
Filing Date:		15-Mar-2013		
Title of Invention:		SYSTEM AND METHOD FOR MANAGING GRATUITIES		
First Named Inventor/Applicant Name:		Aleksandar STEPANOVICH		
Filer:		Walter J. Kawula Jr./Shannon Geers		
Attorney Docket Number:		209387.00003		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 1 month with \$0 paid	2251	1	100	100
Miscellaneous:				
Total in USD (\$)				100

Electronic Acknowledgement Receipt	
EFS ID:	27836071
Application Number:	13834466
International Application Number:	
Confirmation Number:	2038
Title of Invention:	SYSTEM AND METHOD FOR MANAGING GRATUITIES
First Named Inventor/Applicant Name:	Aleksandar STEPANOVICH
Customer Number:	102467
Filer:	Walter J. Kawula Jr./Shannon Geers
Filer Authorized By:	Walter J. Kawula Jr.
Attorney Docket Number:	209387.00003
Receipt Date:	19-DEC-2016
Filing Date:	15-MAR-2013
Time Stamp:	16:43:00
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$100
RAM confirmation Number	122016INTEFSW00004273150450
Deposit Account	150450
Authorized User	Shannon Geers
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 37 CFR 1.16 (National application filing, search, and examination fees) 37 CFR 1.17 (Patent application and reexamination processing fees)	

37 CFR 1.19 (Document supply fees)
37 CFR 1.20 (Post Issuance fees)
37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Fee Worksheet (SB06)	fee-info.pdf	30834	no	2
			ad92b279da219d31433e6765981bf2858e6fadf0		

Warnings:

Information:

Total Files Size (in bytes):	30834
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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.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/834,466	03/15/2013	Aleksandar STEPANOVICH	209387.00003	2038
102467 7590 Hahn Loeser + Parks LLP 65 East State Street Suite 1400 Columbus, OH 43215			EXAMINER WILDER, ANDREW H	
			ART UNIT 3627	PAPER NUMBER
			NOTIFICATION DATE 02/08/2017	DELIVERY MODE ELECTRONIC

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

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

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

patents@hahnlaw.com

Application Number 	Application/Control No. 13/834,466	Applicant(s)/Patent under Reexamination STEPANOVICH, ALEKSANDAR	
	Florian Zeender	Art Unit 3627	
Document Code - AP.PRE.DEC			

Notice of Panel Decision from Pre-Appeal Brief Review



This is in response to the Pre-Appeal Brief Request for Review filed 12/19/2016.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- ☐ The request does not include reasons why a review is appropriate.
- ☐ A proposed amendment is included with the Pre-Appeal Brief request.
- ☐ Other: .

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☒ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

- ☒ The panel has determined the status of the claim(s) is as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-4, 6-21, 30-36.
 Claim(s) withdrawn from consideration: _____.

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) /F. Zeender/.

(3) /A. Wilder/.

(2) /IVAN R. GOLDBERG/.

(4) _____.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/834,466	03/15/2013	Aleksandar STEPANOVICH	209387.00003	2038
102467 7590 Hahn Loeser + Parks LLP 65 East State Street Suite 1400 Columbus, OH 43215			EXAMINER WILDER, ANDREW H	
			ART UNIT 3627	PAPER NUMBER
			NOTIFICATION DATE 03/07/2017	DELIVERY MODE ELECTRONIC

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

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

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

patents@hahnlaw.com

<i>Applicant-Initiated Interview Summary</i>	Application No. 13/834,466	Applicant(s) STEPANOVICH, ALEKSANDAR	
	Examiner HUNTER WILDER	Art Unit 3627	

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

(1) A. Hunter Wilder. (3) _____.

(2) Walter Kawula Jr. (Reg. No. 39,724). (4) _____.

Date of Interview: 01 March 2017.

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

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

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

Claim(s) discussed: 1.

Identification of prior art discussed: N/A.

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

Applicant's representative initiated a telephonic interview to clarify the Pre-Brief Appeal Conference Review. However, Examiner took advantage of the time to explain Examiner's position better in relation to the currently cited art and the 1.131 and 1.132 declarations. No agreements were reached.

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

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

☐ Attachment

/HUNTER WILDER/ Primary Examiner, Art Unit 3627	
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Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

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

Paragraph (b)

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

37 CFR §1.2 Business to be transacted in writing.

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

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

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

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

The Form provides for recordation of the following information:

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

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

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

Doc code: RCEX

PTO/SB/30EFS (07-14)

Doc description: Request for Continued Examination (RCE)

Approved for use through 07/31/2016. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)

Application Number	13834466	Filing Date	2013-03-15	Docket Number (if applicable)	209387.3	Art Unit	3627
First Named Inventor	Aleksandar Stepanovich			Examiner Name	Andrew H. Wilder		

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, to any international application that does not comply with the requirements of 35 U.S.C. 371, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV.

SUBMISSION REQUIRED UNDER 37 CFR 1.114

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

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____☐ Other _____☒ Enclosed☒ Amendment/Reply☐ Information Disclosure Statement (IDS)☐ Affidavit(s)/ Declaration(s)☒ Other

Petition for One Month Extension of Time

MISCELLANEOUS☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)☐ Other _____**FEES****The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to
Deposit Account No 150450**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**☒ Patent Practitioner Signature

Applicant Signature

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (07-14)

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

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

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

Signature of Registered U.S. Patent Practitioner			
Signature	Walter J. Kawula/	Date (YYYY-MM-DD)	2017-04-07
Name	Walter J. Kawula	Registration Number	39724

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.

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

Privacy Act Statement

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

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

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

REMARKS

Claims 1-4, 6-21 and 30-36 currently stand rejected. Claims 1-4, 6-21 and 34-35 are canceled by amendment. New claims 37-42 are added by amendment. Accordingly, claims 30-33 and 36-42 are at issue.

Claims 1-4 and 6-21 are cancelled without prejudice. Accordingly, rejections pending against those claims are moot.

Claims 30-36 currently stand rejected under 35 U.S.C. 101 as being directed to a judicial exception to patentability. The rejection should be withdrawn pursuant to the holding of Amdocs (Israel) Limited v. Openet Telecom Inc., 841 F.3d 1288 (Fed. Cir. 2016), and in view of the present amendments to the claims and the previously submitted. Evidentiary Declaration of Aleksandar Stepanovich ("Stepanovich Decl.") (Filed October 19, 2016).

The claims in Amdocs concerned a computer program comprising, inter alia, code for receiving a first network accounting records from a first source and code for correlating the accounting records with information available from a second source, and using the information to enhance the first network accounting records. Amdocs, Slip. Op. at 20. The Federal Circuit had previously construed the "enhance" feature as dependent upon the invention's distributed architecture. Id., Slip Op. at 22. In finding the claims to recite patent eligible subject matter, the Federal Circuit turned to the written description of the patent, which states that "the distributed data gathering, filtering and enhancement performed in the system 100 enables load distribution." Relying on this written description, the Court found: "this claim entails an unconventional technological solution (enhancing data in a distributed fashion) to a technological problem (massive record flows which previously required massive databases)."

The Federal Circuit further distinguished the claims from previous decisions involving patent-ineligible claims because the claims of Amdocs were narrowly drawn to avoid preemption, and because components of the invention were not merely combined in a generic manner:

claim 1 of the '065 patent is tied to a specific structure of various components (network devices, gatherers, ISMs, a central event manager, a central database, a user interface server, and terminals or clients). It is narrowly drawn to **not preempt any and all generic enhancement of data in a similar system**, and does not merely combine the components in a generic manner, but instead **purposefully arranges the components in a distributed architecture to achieve**

a technological solution to a technological problem specific to computer networks.

Id., Slip Op. at 24 (emphasis added). The claims at issue are like those in Amdocs in that they are narrowly drawn to specific structure providing the technological advancements of the invention. Additionally, like the claims under consideration in Enfish, LLC v. Microsoft Corp., 822 F. 3d 1327 (Fed. Cir. 2016), the present claims are directed to specific improvement to the way that computers operate. In particular, with only minor modifications to a client business system to install a synchronization client, entirely new utility may be derived from business data collected during routine operations, and this new utility is realized on a remote server thereby avoiding affecting normal business operations. The claims are not directed at an abstract idea for which computers are merely a tool for doing it faster than one could do with pencil and paper.

The Stepanovich Decl. identifies numerous technological improvements that the invention makes with respect to the operation of computer systems themselves and identifies where those technological improvements are supported in the written description. These technological improvements are recited in the claims as amended. For example, Claim 30 recites a “gratuity sync client application” and new claim 39 recites an “interface component.” The ‘466 Application teaches that this component of the technological solution is an interface component 206 that integrates with the business’s systems to extract the transaction information and employee information to be used in determining the gratuity allocations. Stepanovich Decl. ¶ 5 (citing to Application, ¶¶0044-45). That is, the client business system is modified by installing this interface component 206. Id. The ‘466 Application further teaches that the interface component 206 extracts transaction and employee information and creates a computer-readable file, such as an XML file. Stepanovich Decl. ¶ 6.

Claim 30 is also amended to recite that the plurality of client business systems are in electronic communication with the server of the gratuity management system, and that the gratuity allocations are returned to the gratuity sync client applications of each respective client business system without requiring the client business system to execute the gratuity distribution rules. This comprises a technological solution because retail client business systems, such as Point of Sale systems, may be resource constrained. Installing a lightweight interface component on a client business system to extract only certain necessary information minimally affects the client business system and avoids the need to install the entire gratuity management

functionality on the client business system and potentially overburdening the system. Stepanovich Decl. ¶ 9. The solution as now claimed in claim 30 provides a remote server to offload certain computations to a remote server so that the client business system is not burdened with such computing demands. Stepanovich Decl. ¶ 10.

The '466 Application further teaches that another component of the technological solution is to provide a cloud computing system 210 including a processor 212 and database 214 and being capable of receiving data from the interface component 206. Stepanovich Decl. ¶ 7 (citing to Application, ¶0046). This cloud computing solution is more clearly recited in new claim 39 ("a payment management computer having a database and being accessible by a plurality of client business systems over the Internet"). Providing a cloud-based service to handle certain discrete, common computing tasks concerning gratuities for a plurality of distinct clients, while not centralizing all client business operations, results in optimal computing and communication efficiencies. Stepanovich Decl. ¶ 11. Accordingly, like the claims in Amdocs, the present claims purposefully arrange the components in a distributed architecture to achieve a technological solution to a technological problem specific to certain computer networks.

The interface component 206 may initiate communications with other components of the gratuity management system improving the security of the system. Stepanovich Decl. ¶ 8 (citing to Application, ¶ 0045). This is now recited in claim 30 as amended (the gratuity sync client application is configured to initiate transfer of extracted information to the gratuity management system).

Additional improvements flow from this centralized data handling and the return of processed data. For example, the technological improvements also allows an employee of the business to retrieve and access his or her personal and computed income-related data through various remote devices from any retail point of sales systems or client business system. Stepanovich Decl. ¶ 12. Additionally, the technological improvements extract and normalize data from various point of sales systems, providing an integration point for multiple other external platforms to retrieve, obtain, recognize and process the computed information from the retail business system or client business system. Stepanovich Decl. ¶ 13.

For the reasons provided above, the claims recite patent eligible subject matter under Section 101 for the same reasons as relied upon in Enfish and in Amdocs. Like Amdocs, the

specification and claims describe a technical solution to a computer problem which is solved with a distributed computing system. As with Amdocs, the claims do not preempt all computerized means and methods for calculating gratuities, but only covers such methods and systems which include an interface component on a client business system that communicates specific data with a separate, computer system that interfaces with a plurality of clients.

In view of the recent case law and claim amendments it is respectfully requested that the rejection under Section 101 be withdrawn.

Claims 30-36 currently stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Kessler et al. (US 2013/010357, “Kessler”) in view of U.S. Pat. Pub. No. 2012/0173350 to Robson and Phillips (US 2014/0365322, “Phillips”). This rejection is respectfully traversed.

Kessler does not teach or suggest a gratuity sync client application installed on each of a plurality of client business systems and configured to extract transaction information and employee information from the client business system, and to communicate the extracted information to a remote gratuity management system and to receive processed information back from the remote system. Instead, Kessler appears to be completely unrelated to the invention at issue. Kessler concerns a stand-alone electronic tip jar to collect a second set of payments separate and apart from a retail establishment’s point of sale and business systems. In contrast to Kessler, the present invention is integrated with a client business system, and includes an interface component that extracts and communicates certain information that is captured in the client business systems during normal business operations. Kessler teaches away from the present system by including a separate step, device, and network for collecting gratuities. Phillips, in contrast to the claimed invention, appears to concern crediting a worker’s tip income on a pre-paid card. (Phillips, ¶0034), and does not teach or disclose the invention as claimed. Accordingly, claim 30, and claims 31-33 and 36-38 which depend from claim 30, are believed patentable over the cited documents.

Claim 36 recites that the client business system further comprises a time and attendance server, and new claim 37 recites that the employee information extracted from the client business system comprises employees working hours. These aspects are neither taught nor suggested by Kessler or Phillips. Claim 38 recites that the client business system further comprises a payroll system, and that the gratuity sync client application communicates the

returned gratuity allocations to the payroll system. Not only is this aspect not disclosed by the cited references, Phillips teaches away from this invention by teaching to credit funds directly to a debit card. These dependent claims are patentable for these additional reasons.

New independent claim 39 is presented by amendment. Claim 39 is patentable over the cited references for at least the same reasons as claim 30. Claim 39, however, is not necessarily limited to gratuity allocation, and may concern other payment distribution rules.

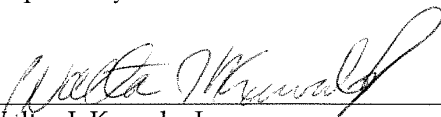
Conclusion

Applicant respectfully submits that all pending claims are in condition for allowance. Applicant encourages the Examiner to call its undersigned counsel to resolve any additional questions that the Examiner may have to place the claims in condition for allowance.

Date: April 7, 2017

Hahn Loeser & Parks LLP
125 South Wacker Drive, Suite 2900
Chicago, Illinois 60606
(312) 655-3050

Respectfully submitted,



Walter J. Kawula, Jr.
Reg. No. 39,724

Amendments to the Claims

This listing of claims as amended replaces all previously filed listings of claims in the application.

Claims 1-29 are canceled.

30. (Currently Amended) A system, comprising:

a. a gratuity management system, comprising

1. a server coupled to a computer network and accessible by a plurality of clients, the server being configurable to independently execute gratuity distribution rules on a client-by-client basis; and

2. a database, accessible by the server; and

b. a plurality of client business systems in electronic communication with the server of the gratuity management system, each of the client business systems corresponding to one of the plurality of clients, each client business system comprising:

1. at least one point of sale server; and

2. a gratuity sync client application installed on the client business system;

wherein the gratuity sync client application on each client business system is configured to extract transaction information and employee information from the client business system and to ~~communicate~~ initiate transfer of the extracted information to the gratuity management system; and

wherein the gratuity management system is configured to receive the extracted transaction information and employee information from the plurality of client business systems and to store the received extracted information in the database; and

wherein the gratuity management system is further configured execute, independently for each client, gratuity distribution rules for allocating gratuities among at least a portion of the employees and to determine a gratuity allocation based on at least the received extracted transaction information, the received extracted employee information, and the gratuity distribution rules and return the gratuity allocation to the gratuity sync client application of each respective client business system, without requiring the client business systems to execute the gratuity distribution rules.

31. (Previously Presented) The system of claim 30, wherein the gratuity sync client is further configured to format the extracted transaction and employee information into an XML file before communicating the extracted information to the gratuity management server.

32. (Currently Amended) The system of claim 30, wherein the gratuity sync client is installed on the point of sale server of a client business system.

33. (Currently Amended) The system of claim ~~[[32]]~~ 30, wherein at least one of the plurality of client business systems comprises additional devices which are connected to and accessible by the ~~point of sale server~~ gratuity sync client application.

34. (Canceled).

35. (Canceled).

36. (Currently Amended) The system of claim ~~[[30]]~~ 33, wherein at least one of the ~~client business systems further~~ additional devices comprises a time and attendance server.

37. (New) The system of claim 36, wherein the employee information extracted from the client business system comprises employees' working hours.

38. (New) The system of claim 33, wherein at least one of the additional devices comprises a payroll system, and the gratuity sync client application communicates the returned gratuity allocations to the payroll system.

39. (New) A system for providing payment management services to a plurality of clients, comprising:

a. a payment management computer system having a database and being accessible by a plurality of client business systems over the Internet, the server being configurable by each

client of the plurality of clients via a web portal to execute payment distribution rules independently on a client-by-client basis; and

b. a plurality of client business systems in electronic communication with the payment management computer system, each of the client business systems corresponding to one of the plurality of clients, each client business system comprising:

1. at least one point of sale server; and
2. an interface component installed on the client business system;

wherein the interface component on each client business system is configured to extract at least one of transaction information and employee information from the client business system and to initiate transfer of the extracted information to the payment management computer system; and

wherein the payment management computer system is configured to receive the extracted information from the plurality of client business systems and to store the received extracted information in the database; and

wherein the payment management system is further configured execute, independently for each client, payment distribution rules based on at least the received extracted information and the independently configured payment distribution rules to generate payment information.

40. (New) The system of claim 39, wherein the payment management computer is further configured to return the payment information to the interface component of respective client business systems, without requiring the respective client business systems to execute the payment distribution rules.

41. (New) The system of claim 40, wherein at least one client business system comprises a payroll system in communication with the interface component, such that the payroll system prepares payrolls without requiring the client business system to execute the payment distribution rules.

42. (New) The system of claim 39, wherein the payment distribution rules comprise gratuity allocation rules.

43. (New) The system of claim 39, wherein at least one of the plurality of client business systems comprises additional devices which are connected to and accessible by the point of sale server.

44. (New) The system of claim 43, wherein at least one of the additional devices comprises a time and attendance server.

45. (New) The system of claim 44, wherein the employee information extracted from the client business system comprises employees' working hours.

Amendments to the Specification

Please amend paragraph 0043 as follows:

[0043] Referring now to FIG. 2A, a logical view of a gratuity management system is illustrated. A client, such as a restaurant, may have a server 200 and a database 202 for storing transaction information and employee information, as well as a back office accounting management system 204 that handles accounting and payroll functions. In embodiments, the gratuity management system includes an interface component 206 that integrates with the business's systems to extract the transaction information and employee information to be used in determining the gratuity allocations. The example of an interface component 206 in Fig. 2A is labeled "Grat Sync Client Application" and is indicated as being installed on server 200.

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re patent of:	Aleksandar STEPANOVICH	Docket No.:	209387.00003
Application No.:	13/834,466	Art Unit:	3627
Filed:	Mar. 15, 2013	Examiner:	Andrew H. WILDER
Title:	SYSTEM AND METHOD FOR MANAGING GRATUITIES		

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

REPLY AND AMENDMENT

Commissioner:

Please amend the above-identified application as indicated below. A Request for Continued Examination is being filed concurrently herewith. Reconsideration and/or further examination is respectfully requested.

The Commissioner is authorized to charge any fees due as a result of or in connection with the filing of this paper to Deposit Account No. 15-0450.

Electronic Patent Application Fee Transmittal				
Application Number:		13834466		
Filing Date:		15-Mar-2013		
Title of Invention:		SYSTEM AND METHOD FOR MANAGING GRATUITIES		
First Named Inventor/Applicant Name:		Aleksandar STEPANOVICH		
Filer:		Walter J. Kawula Jr./Shannon Geers		
Attorney Docket Number:		209387.00003		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 1 month with \$0 paid	2251	1	100	100
Miscellaneous:				
RCE- 2ND AND SUBSEQUENT REQUEST	2820	1	850	850
Total in USD (\$)				950

Electronic Acknowledgement Receipt	
EFS ID:	28865539
Application Number:	13834466
International Application Number:	
Confirmation Number:	2038
Title of Invention:	SYSTEM AND METHOD FOR MANAGING GRATUITIES
First Named Inventor/Applicant Name:	Aleksandar STEPANOVICH
Customer Number:	102467
Filer:	Walter J. Kawula Jr./Shannon Geers
Filer Authorized By:	Walter J. Kawula Jr.
Attorney Docket Number:	209387.00003
Receipt Date:	07-APR-2017
Filing Date:	15-MAR-2013
Time Stamp:	14:29:10
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$950
RAM confirmation Number	041017INTEFSW00000786150450
Deposit Account	150450
Authorized User	Shannon Geers
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 37 CFR 1.16 (National application filing, search, and examination fees) 37 CFR 1.17 (Patent application and reexamination processing fees)	

37 CFR 1.19 (Document supply fees)					
37 CFR 1.20 (Post Issuance fees)					
37 CFR 1.21 (Miscellaneous fees and charges)					
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Extension of Time	Extension2.pdf	163319	no	2
			00f1c7bee6ff0ac58f9599a802bdb7fa108cb ae9		
Warnings:					
Information:					
2	Request for Continued Examination (RCE)	RCE.pdf	1349915	no	3
			872fff6dc51f233059fe30e1937465e3dc24b 4a4		
Warnings:					
Information:					
3		Amendment2.pdf	475843	yes	11
			6093b09bbe406b1e597c43b6412042a89a 43141c		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Applicant Arguments/Remarks Made in an Amendment		7	11	
	Claims		3	6	
	Specification		2	2	
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
Warnings:					
Information:					
4	Fee Worksheet (SB06)	fee-info.pdf	32724	no	2
			a478964f6fe3a71ba28db284f5107d3167a6 c59b		
Warnings:					
Information:					
Total Files Size (in bytes):			2021801		

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.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) 209387.3																																		
Application Number 13/834,466	Filed March 15, 2013																																			
For System and Method for Managing Gratuities																																				
Art Unit 3627	Examiner Andrew H. Wilder																																			
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): <table style="width: 100%; border-collapse: collapse;"><thead><tr><th></th><th style="text-align: center;"><u>Fee</u></th><th style="text-align: center;"><u>Small Entity Fee</u></th><th style="text-align: center;"><u>Micro Entity Fee</u></th><th></th></tr></thead><tbody><tr><td>☒ One month (37 CFR 1.17(a)(1))</td><td style="text-align: center;">\$200</td><td style="text-align: center;">\$100</td><td style="text-align: center;">\$50</td><td>\$ <u>100</u></td></tr><tr><td>☐ Two months (37 CFR 1.17(a)(2))</td><td style="text-align: center;">\$600</td><td style="text-align: center;">\$300</td><td style="text-align: center;">\$150</td><td>\$ _____</td></tr><tr><td>☐ Three months (37 CFR 1.17(a)(3))</td><td style="text-align: center;">\$1,400</td><td style="text-align: center;">\$700</td><td style="text-align: center;">\$350</td><td>\$ _____</td></tr><tr><td>☐ Four months (37 CFR 1.17(a)(4))</td><td style="text-align: center;">\$2,200</td><td style="text-align: center;">\$1,100</td><td style="text-align: center;">\$550</td><td>\$ _____</td></tr><tr><td>☐ Five months (37 CFR 1.17(a)(5))</td><td style="text-align: center;">\$3,000</td><td style="text-align: center;">\$1,500</td><td style="text-align: center;">\$750</td><td>\$ _____</td></tr></tbody></table> ☒ Applicant asserts small entity status. See 37 CFR 1.27. ☐ Applicant certifies micro entity status. See 37 CFR 1.29. Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously. ☐ A check in the amount of the fee is enclosed. ☐ Payment by credit card. Form PTO-2038 is attached. ☐ The Director has already been authorized to charge fees in this application to a Deposit Account. ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>15-0450</u>. ☒ Payment made via EFS-Web. 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. ☒ attorney or agent of record. Registration number <u>39724</u>. ☐ attorney or agent acting under 37 CFR 1.34. Registration number _____. <table style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; padding: 5px;"><u>/Walter J. Kawula/</u> Signature</td><td style="width: 50%; padding: 5px;"><u>April 7, 2017</u> Date</td></tr><tr><td style="padding: 5px;"><u>Walter J. Kawula</u> Typed or printed name</td><td style="padding: 5px;"><u>(312) 637-3050</u> Telephone Number</td></tr></table> NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.				<u>Fee</u>	<u>Small Entity Fee</u>	<u>Micro Entity Fee</u>		☒ One month (37 CFR 1.17(a)(1))	\$200	\$100	\$50	\$ <u>100</u>	☐ Two months (37 CFR 1.17(a)(2))	\$600	\$300	\$150	\$ _____	☐ Three months (37 CFR 1.17(a)(3))	\$1,400	\$700	\$350	\$ _____	☐ Four months (37 CFR 1.17(a)(4))	\$2,200	\$1,100	\$550	\$ _____	☐ Five months (37 CFR 1.17(a)(5))	\$3,000	\$1,500	\$750	\$ _____	<u>/Walter J. Kawula/</u> Signature	<u>April 7, 2017</u> Date	<u>Walter J. Kawula</u> Typed or printed name	<u>(312) 637-3050</u> Telephone Number
	<u>Fee</u>	<u>Small Entity Fee</u>	<u>Micro Entity Fee</u>																																	
☒ One month (37 CFR 1.17(a)(1))	\$200	\$100	\$50	\$ <u>100</u>																																
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<u>/Walter J. Kawula/</u> Signature	<u>April 7, 2017</u> Date																																			
<u>Walter J. Kawula</u> Typed or printed name	<u>(312) 637-3050</u> Telephone Number																																			

☒ * Total of <u>1</u> forms are submitted.
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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: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether 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.

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 13/834,466		Filing Date 03/15/2013		☐ To be Mailed						
ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO														
APPLICATION AS FILED – PART I														
(Column 1)		(Column 2)												
FOR		NUMBER FILED		NUMBER EXTRA		RATE (\$)		FEE (\$)						
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A		N/A		N/A								
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))		N/A		N/A		N/A								
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A		N/A		N/A								
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 =		*		X \$ =								
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =		*		X \$ =								
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).												
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))														
* If the difference in column 1 is less than zero, enter "0" in column 2.						TOTAL								
APPLICATION AS AMENDED – PART II														
(Column 1)		(Column 2)		(Column 3)										
AMENDMENT	04/07/2017		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE (\$)		ADDITIONAL FEE (\$)			
	Total (37 CFR 1.16(i))		* 14		Minus		** 29		= 0		X \$40 =		0	
	Independent (37 CFR 1.16(h))		* 2		Minus		***3		= 0		X \$210 =		0	
	☐ Application Size Fee (37 CFR 1.16(s))													
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))													
	TOTAL ADD'L FEE										0			
(Column 1)		(Column 2)		(Column 3)										
AMENDMENT			CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE (\$)		ADDITIONAL FEE (\$)			
	Total (37 CFR 1.16(i))		*		Minus		**		=		X \$ =			
	Independent (37 CFR 1.16(h))		*		Minus		***		=		X \$ =			
	☐ Application Size Fee (37 CFR 1.16(s))													
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))													
	TOTAL ADD'L FEE													
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.														

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.



UNITED STATES PATENT AND TRADEMARK OFFICE

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NOTICE OF ALLOWANCE AND FEE(S) DUE

102467 7590 06/14/2017
Hahn Loeser + Parks LLP
65 East State Street
Suite 1400
Columbus, OH 43215

EXAMINER

WILDER, ANDREW H

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 06/14/2017

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/834,466	03/15/2013	Aleksandar STEPANOVICH	209387.00003	2038

TITLE OF INVENTION: SYSTEM AND METHOD FOR MANAGING GRATUITIES

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	09/14/2017

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

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

HOW TO REPLY TO THIS NOTICE:

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

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

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

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

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

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

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

PART B - FEE(S) TRANSMITTAL

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

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)

102467 7590 06/14/2017
Hahn Loeser + Parks LLP
65 East State Street
Suite 1400
Columbus, OH 43215

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.
13/834,466	03/15/2013	Aleksandar STEPANOVICH	209387.00003	2038

TITLE OF INVENTION: SYSTEM AND METHOD FOR MANAGING GRATUITIES

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	09/14/2017

EXAMINER	ART UNIT	CLASS-SUBCLASS
WILDER, ANDREW H	3627	705-032000

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, 1 _____
- (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. 2 _____
- 3 _____

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

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

(A) NAME OF ASSIGNEE

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

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

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

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

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

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ Applicant certifying micro entity status. See 37 CFR 1.29
- ☐ Applicant asserting small entity status. See 37 CFR 1.27
- ☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/834,466	03/15/2013	Aleksandar STEPANOVICH	209387.00003	2038
102467 7590 06/14/2017 Hahn Loeser + Parks LLP 65 East State Street Suite 1400 Columbus, OH 43215			EXAMINER WILDER, ANDREW H	
			ART UNIT 3627	PAPER NUMBER

DATE MAILED: 06/14/2017

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

<i>Examiner-Initiated Interview Summary</i>	Application No. 13/834,466	Applicant(s) STEPANOVICH, ALEKSANDAR	
	Examiner HUNTER WILDER	Art Unit 3627	

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

(1) A. Hunter Wilder. (3) _____.

(2) Walter Kawula, Jr. (Reg. No. 39,724). (4) _____.

Date of Interview: 07 June 2017.

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

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

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

Claim(s) discussed: 30,39 and 40.

Identification of prior art discussed: N/A.

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

Examiner initiated a telephonic interview with Applicant's representative to discuss some claim amendments that would expedite the application into allowance. Applicant's representative considered the amendment and gave Examiner consent to enter the amendments in an Examiner's Amendment.

Applicant recordation instructions: It is not necessary for applicant to provide a separate record of the substance of interview.

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

☐ Attachment

/HUNTER WILDER/ Primary Examiner, Art Unit 3627	
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Notice of Allowability	Application No. 13/834,466	Applicant(s) STEPANOVICH, ALEKSANDAR	
	Examiner HUNTER WILDER	Art Unit 3627	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 7 April 2017.
☐ 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 30-33, 36-39 and 41-45. 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) | 5. ☒ Examiner's Amendment/Comment |
| 2. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 6. ☒ Examiner's Statement of Reasons for Allowance |
| 3. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 7. ☐ Other _____. |
| 4. ☒ Interview Summary (PTO-413),
Paper No./Mail Date <u>20170607</u> . | |

/HUNTER WILDER/
Primary Examiner, Art Unit 3627

EXAMINER'S AMENDMENT

1. The present application is being examined under the pre-AIA first to invent provisions.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in an interview with Walter Kawula, Jr. (Reg. No. 39,724) on 7 June 2017.

The application has been amended as follows:

1-29. (Cancelled)

30. (Currently Amended) A system, comprising:

a. a gratuity management system, comprising

1. a server coupled to a computer network and accessible by a plurality of clients, the server being configurable to independently execute gratuity distribution rules on a client-by-client basis; and

2. a database, accessible by the server; and

b. a plurality of client business systems in electronic communication with the server of the gratuity management system, each of the client business systems corresponding to one of the plurality of clients, each client business system comprising:

1. at least one point of sale server; and
2. a gratuity sync client application installed on the respective client business system;

wherein the gratuity sync client application on each client business system is configured to extract transaction information and employee information from the client business system and to initiate transfer of the extracted information to the gratuity management system; [[and]]

wherein the gratuity management system is a cloud computing system remote from the plurality of client business systems and configured to receive the extracted transaction information and employee information from the plurality of client business systems and to store the received extracted information in the database; and

wherein the gratuity management system is further configured to execute, independently for each client, gratuity distribution rules for allocating gratuities among at least a portion of the employees and to determine a gratuity allocation based on at least the received extracted transaction information, the received extracted employee information, and the gratuity distribution rules and return the gratuity allocation to the gratuity sync client application of each respective client business system, without requiring the client business systems to execute the gratuity distribution rules.

31. (Previously Presented) The system of claim 30, wherein the gratuity sync client is further configured to format the extracted transaction and employee information

into an XML file before communicating the extracted information to the gratuity management server.

32. (Currently Amended) The system of claim 30, wherein the gratuity sync client application is installed on the point of sale server of ~~[[a]]~~ the respective client business system.

33. (Currently Amended) The system of claim 30, wherein ~~at least one of the plurality of~~ the respective client business ~~systems~~ system comprises additional devices which are connected to and accessible by the gratuity sync client application.

34. (Canceled).

35. (Canceled).

36. (Currently Amended) The system of claim 33, wherein at least one of the additional devices comprises a time and attendance server.

37. (Currently Amended) The system of claim 36, wherein the employee information extracted from the respective client business system comprises employees' working hours.

38. (Previously Presented) The system of claim 33, wherein at least one of the additional devices comprises a payroll system, and the gratuity sync client application communicates the returned gratuity allocations to the payroll system.

39. (Currently Amended) A system for providing payment management services to a plurality of clients, comprising:

a. a payment management computer system having a server and a database and being accessible by a plurality of clients ~~business systems over the Internet~~, the server being configurable by each client of the plurality of clients via a web portal to execute payment distribution rules independently on a client-by-client basis; and

b. a plurality of client business systems in electronic communication with the payment management computer system, each of the client business systems corresponding to one of the plurality of clients, each client business system comprising:

1. at least one point of sale server; and
2. an interface component installed on the respective client business system;

wherein the interface component on each client business system is configured to extract at least one of transaction information and employee information from the client business system and to initiate transfer of the extracted information to the payment management computer system; [[and]]

wherein the payment management computer system is a cloud computing system remote from the plurality of client business systems and configured to receive

the extracted information from the plurality of client business systems and to store the received extracted information in the database; and

wherein the payment management system is further configured to execute, independently for each client, payment distribution rules based on at least the received extracted information and the independently configured payment distribution rules to generate payment information and return the payment information to the interface component of respective client business systems, without requiring the respective client business systems to execute the payment distribution rules.

40. (Cancelled).

41. (Currently Amended) The system of claim ~~[[40]]~~ 39, wherein ~~at least one~~ the respective client business system comprises a payroll system in communication with the interface component, such that the payroll system prepares payrolls without requiring the client business system to execute the payment distribution rules.

42. (Previously Presented) The system of claim 39, wherein the payment distribution rules comprise gratuity allocation rules.

43. (Currently Amended) The system of claim 39, wherein ~~at least one of the plurality of~~ the respective client business ~~systems~~ system comprises additional devices which are connected to and accessible by the point of sale server.

44. (Previously Presented) The system of claim 43, wherein at least one of the additional devices comprises a time and attendance server.

45. (Currently Amended) The system of claim 44, wherein the employee information extracted from the respective client business system comprises employees' working hours.

REASONS FOR ALLOWANCE

3. Claims 30-33, 36-39 and 41-45 are allowed as amended/presented above and claims 1-29, 34, 35 and 40 are cancelled. The following is an examiner's statement of reasons for allowance:

Applicant's remarks filed in the Reply and Amendment ("Response") 7 April 2017 are compelling and commensurate with both the original disclosure and the claims as amended. Similar to *Bascom*, the inventive concept is found in the non-conventional and non-generic arrangement of the additional elements, i.e. the installation of a gratuity sync client application/interface component on client business systems which extracts and transfers specific information to a gratuity management system/payment management system remote from the client business system configured to independently execute gratuity/payment distribution rules on a client-by-client basis. Further, similar to *Amdocs*, the present claims purposefully arrange the components in a distributed architecture to achieve a technological solution to a technological problem

specific to certain computer networks (Response: pgs. 8 and 9). The prior art of record neither anticipates nor supports a conclusion of obviousness with respect to the allowable subject matter which is present in independent claims 30 and 39:

Claim 30 discloses a system, comprising:

a. a gratuity management system, comprising

1. a server coupled to a computer network and accessible by a plurality of clients, the server being configurable to independently execute gratuity distribution rules on a client-by-client basis; and

2. a database, accessible by the server; and

b. a plurality of client business systems in electronic communication with the server of the gratuity management system, each of the client business systems corresponding to one of the plurality of clients, each client business system comprising:

1. at least one point of sale server; and

2. a gratuity sync client application installed on the respective client business system;

wherein the gratuity sync client application on each client business system is configured to extract transaction information and employee information from the client business system and to initiate transfer of the extracted information to the gratuity management system;

wherein the gratuity management system is a cloud computing system remote from the plurality of client business systems and configured to receive the extracted

transaction information and employee information from the plurality of client business systems and to store the received extracted information in the database; and

wherein the gratuity management system is further configured to execute, independently for each client, gratuity distribution rules for allocating gratuities among at least a portion of the employees and to determine a gratuity allocation based on at least the received extracted transaction information, the received extracted employee information, and the gratuity distribution rules and return the gratuity allocation to the gratuity sync client application of each respective client business system, without requiring the client business systems to execute the gratuity distribution rules.

Claim 39 discloses a system for providing payment management services to a plurality of clients, comprising:

a. a payment management computer system having a server and a database and being accessible by a plurality of clients, the server being configurable by each client of the plurality of clients via a web portal to execute payment distribution rules independently on a client-by-client basis; and

b. a plurality of client business systems in electronic communication with the payment management computer system, each of the client business systems corresponding to one of the plurality of clients, each client business system comprising:

1. at least one point of sale server; and
2. an interface component installed on the respective client business system;

wherein the interface component on each client business system is configured to extract at least one of transaction information and employee information from the client business system and to initiate transfer of the extracted information to the payment management computer system;

wherein the payment management computer system is a cloud computing system remote from the plurality of client business systems and configured to receive the extracted information from the plurality of client business systems and to store the received extracted information in the database; and

wherein the payment management system is further configured to execute, independently for each client, payment distribution rules based on at least the received extracted information and the independently configured payment distribution rules to generate payment information and return the payment information to the interface component of respective client business systems, without requiring the respective client business systems to execute the payment distribution rules.

The examiner notes the cited limitations above **in combination** with the other limitations found within the independent claims are found to be allowable over the prior art of record. Claims 31-33, 36-38 and 41-45 each depend from one of allowable claims 30 and 39, and therefore claims 31-33, 36-38 and 41-45 are allowable for reasons consistent with those identified with respect to claims 30 and 39.

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

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNTER WILDER whose telephone number is (571)270-7948. The examiner can normally be reached on 9:00 a.m. - 5:30 p.m. (Monday-Friday).

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

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on (571)272-6790. 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.

/HUNTER WILDER/
Primary Examiner, Art Unit 3627

<i>Examiner-Initiated Interview Summary</i>	Application No. 13/834,466	Applicant(s) STEPANOVICH, ALEKSANDAR	
	Examiner HUNTER WILDER	Art Unit 3627	

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

(1) A. Hunter Wilder. (3) _____.

(2) Walter Kawula, Jr. (Reg. No. 39,724). (4) _____.

Date of Interview: 07 June 2017.

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

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

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

Claim(s) discussed: 30,39 and 40.

Identification of prior art discussed: N/A.

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

Examiner initiated a telephonic interview with Applicant's representative to discuss some claim amendments that would expedite the application into allowance. Applicant's representative considered the amendment and gave Examiner consent to enter the amendments in an Examiner's Amendment.

Applicant recordation instructions: It is not necessary for applicant to provide a separate record of the substance of interview.

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☐ Attachment

/HUNTER WILDER/ Primary Examiner, Art Unit 3627	
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<i>Index of Claims</i> 	Application/Control No. 13834466	Applicant(s)/Patent Under Reexamination STEPANOVICH, ALEKSANDAR
	Examiner HUNTER WILDER	Art Unit 3627

✓	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	04/19/2015	10/06/2015	02/16/2016	08/15/2016	06/07/2017			
	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	✓	✓	-	-	-			
	29	✓	-	-	-	-			
1	30			✓	✓	=			
2	31			✓	✓	=			
3	32			✓	✓	=			
4	33				✓	=			
	34				✓	-			
	35				✓	-			
5	36				✓	=			

<i>Index of Claims</i> 	Application/Control No. 13834466	Applicant(s)/Patent Under Reexamination STEPANOVICH, ALEKSANDAR
	Examiner HUNTER WILDER	Art Unit 3627

✓	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	04/19/2015	10/06/2015	02/16/2016	08/15/2016	06/07/2017					
6	37					=					
7	38					=					
8	39					=					
	40					-					
9	41					=					
10	42					=					
11	43					=					
12	44					=					
13	45					=					

EAST Search History**EAST Search History (Prior Art)**

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	0	("(securenear3transaction)same(escrownear2code)").PN.	US-PGPUB; USPAT; JPO	OR	OFF	2015/04/06 09:28
S2	2	(secure near3 transaction) same (escrow near2 code)	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2015/04/06 09:28
S3	17	(secure near3 transaction) and (escrow near2 code)	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2015/04/06 09:28
S4	2	curenci\$.as. and escrow	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2015/04/06 09:34
S5	2	curenci\$.as.	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2015/04/06 09:34
S6	6	(secure near3 transaction) same (seller near2 device) same (buyer near2 device)	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2015/04/06 11:03
S7	1	(secure near3 transaction) same (picture near2 code)	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2015/04/06 11:52
S8	6	(secure near3 transaction) same (picture near5 code)	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2015/04/06 11:52
S9	1	(secure near3 transaction) same (bump near2 transaction)	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2015/04/06 12:02
S10	1	(secure near3 transaction) same10 (bump near2 transaction)	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2015/04/06 12:02
S11	2	(secure near3 transaction) same (bump)	US-PGPUB;	OR	ON	2015/04/06

			USPAT; JPO; DERWENT; IBM_TDB			12:02
S12	26	(secure near3 transaction) same10 (bump)	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2015/04/06 12:03
S13	4	(buyer near2 device) same10 (seller near2 device) same10 ((picture or camera) near4 code)	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2015/04/06 13:04
S14	2	Walker\$.in. and Wilder\$.xa.	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2015/04/06 15:16
S15	14	("20060195428" "20050149410" "20110313804" "7577582" "20020046147" "7577582" "20090216600" "20100010887" "6269343" "5794207" "20040093281" "20120130863" "7668747" "7672897" "20120284138").PN.	US-PGPUB; USPAT; JPO; IBM_TDB	OR	ON	2015/04/06 15:25
S16	6	((buyer or customer) near2 (phone or device)) with ((merchant or seller) near2 (phone or device)) with (picture)	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2015/04/07 11:21
S17	434	sakurai-toshio\$.in.	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2015/04/07 11:25
S18	1	S17 and buyer and seller	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2015/04/07 11:26
S19	6	((buyer or customer) near2 (phone or device)) with ((merchant or seller or vendor) near2 (phone or device)) with (picture)	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2015/04/07 11:26
S20	43	((buyer or customer) near2 (phone or device)) with ((merchant or seller or vendor) near2 (phone or device)) same (picture)	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2015/04/07 11:27
S21	23	(picture with code with bill)	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2015/04/07 12:22
S22	25	(picture with (code or barcode) with bill)	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2015/04/07 12:32
S23	2	S22 not S21	US-PGPUB;	OR	ON	2015/04/07

			USPAT; JPO; DERWENT; IBM_TDB			12:33
S24	10	(shopping near2 cart) with picture with code	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2015/04/07 12:56
S25	13	(shopping near2 cart) with picture with (code or barcode)	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2015/04/07 12:56
S26	30	(shopping near2 cart) with (scan or scanning) with (code or barcode) with transaction	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2015/04/07 13:00
S27	0	(web) with (cart) with (scan or scanning) with (code or barcode) with transaction	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2015/04/07 13:17
S28	0	(web or webpage or "web-page") with (cart) with (picture or scan or scanning) with (code or barcode) with transaction	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2015/04/07 13:17
S29	2	(web or webpage or "web-page") with (cart or basket) with (picture or scan or scanning) with (code or barcode) with transaction	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2015/04/07 13:17
S30	3	(web or webpage or "web-page" or website) with (cart or basket) with (picture or scan or scanning) with (code or barcode) with transaction	US-PGPUB; USPAT; JPO; DERWENT; IBM_TDB	OR	ON	2015/04/07 13:19

6/7/2017 11:47:13 AM

C:\Users\awilder\Documents\EAST\Workspaces\13834966.wsp

Issue Classification 	Application/Control No. 13834466	Applicant(s)/Patent Under Reexamination STEPANOVICH, ALEKSANDAR	
	Examiner HUNTER WILDER	Art Unit 3627	

CPC					
Symbol				Type	Version
G06Q	30	0214		F	2013-01-01
G06Q	10	105		I	2013-01-01
G06Q	30	06		I	2013-01-01
G06Q	50	12		I	2013-01-01
G06Q	40	10		I	2013-01-01

CPC Combination Sets				
Symbol	Type	Set	Ranking	Version

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	13	
/HUNTER WILDER/ Primary Examiner.Art Unit 3627	06/07/2017	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	30	2A

Issue Classification 	Application/Control No. 13834466	Applicant(s)/Patent Under Reexamination STEPANOVICH, ALEKSANDAR
	Examiner HUNTER WILDER	Art Unit 3627

US ORIGINAL CLASSIFICATION						INTERNATIONAL CLASSIFICATION													
CLASS		SUBCLASS				CLAIMED					NON-CLAIMED								
705		32				G	0	6	F	15 / 02									
CROSS REFERENCE(S)																			
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)																		
705	15	16	30	40															

NONE		Total Claims Allowed:	
		13	
(Assistant Examiner)	(Date)		
/HUNTER WILDER/ Primary Examiner.Art Unit 3627	06/07/2017	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	30	2A

Issue Classification 	Application/Control No. 13834466	Applicant(s)/Patent Under Reexamination STEPANOVICH, ALEKSANDAR
	Examiner HUNTER WILDER	Art Unit 3627

☐ 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
	1		17	4	33										
	2		18		34										
	3		19		35										
	4		20	5	36										
	5		21	6	37										
	6		22	7	38										
	7		23	8	39										
	8		24		40										
	9		25	9	41										
	10		26	10	42										
	11		27	11	43										
	12		28	12	44										
	13		29	13	45										
	14	1	30												
	15	2	31												
	16	3	32												

NONE (Assistant Examiner) _____ (Date) _____		Total Claims Allowed: 13	
/HUNTER WILDER/ Primary Examiner.Art Unit 3627 (Primary Examiner) _____ (Date) _____		06/07/2017 (Date) _____	O.G. Print Claim(s) 30 O.G. Print Figure 2A

Search Notes 	Application/Control No. 13834466	Applicant(s)/Patent Under Reexamination STEPANOVICH, ALEKSANDAR
	Examiner HUNTER WILDER	Art Unit 3627

CPC- SEARCHED		
Symbol	Date	Examiner
G 06Q 40/10	10/6/2015	/H.W./

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
705	15, 16 and 32	10/6/2015	/H.W./
705	30 and 40	6/7/2017	/H.W./

SEARCH NOTES		
Search Notes	Date	Examiner
See attached EAST Search History	4/19/2015	KAM
Inventor Name Search	4/19/2015	KAM
Performed Keyword Search in EAST	10/6/2015	/H.W./
Performed Keyword Search in EAST	2/16/2016	/H.W./
Performed Keyword Search in EAST	8/15/2016	/H.W./
Performed Keyword Search in EAST (see attached)	6/7/2017	/H.W./
Discussed with SPE Florian Zeender	6/7/2017	/H.W./

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
705	15, 16, 30, 32 and 40	6/7/2017	/H.W./

	/HUNTER WILDER/ Primary Examiner.Art Unit 3627
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PART B - FEE(S) TRANSMITTAL

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

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

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

102467 2590 09/14/2017
Hahn Loeser + Parks LLP
65 East State Street
Suite 1400
Columbus, OH 43215

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 transmittal.

Certificate of Mailing or Transmittal

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.
13/834,466	03/15/2013	Aleksandar STEPANOVICH	209387.00003	2038

TITLE OF INVENTION: SYSTEM AND METHOD FOR MANAGING GRATUITIES

APPL. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEES DUE	DATE DUE
nonprovisional	SMALL	\$480	\$0	\$0	\$480	09/14/2017

EXAMINER	ART UNIT	CLASS-SUBCLASS
WILDER, ANDREW H	3627	705-032000

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. <u>Hahn Loeser & Parks, LLP</u> 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: Gratuity, LLC
 (B) RESIDENCE: (CITY and STATE OR COUNTRY) 385 Third Avenue South
Naples, Florida 34102

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 <u>150450</u> (enclose an extra copy of this form).
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5. Change in Entity Status (from status indicated above) ☐ Applicant certifying micro entity status. See 37 CFR 1.29 ☒ Applicant asserting small entity status. See 37 CFR 1.27 ☐ Applicant changing to regular undiscounted fee status.	NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment. NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status. NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.
--	---

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature /Walter J. Kawula/ Date 07/14/2017
 Typed or printed name Walter J. Kawula, Jr. Registration No. 39,724

Electronic Patent Application Fee Transmittal				
Application Number:		13834466		
Filing Date:		15-Mar-2013		
Title of Invention:		SYSTEM AND METHOD FOR MANAGING GRATUITIES		
First Named Inventor/Applicant Name:		Aleksandar STEPANOVICH		
Filer:		Walter J. Kawula Jr./Shannon Geers		
Attorney Docket Number:		209387.00003		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
UTILITY APPL ISSUE FEE	2501	1	480	480

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				480

Electronic Acknowledgement Receipt	
EFS ID:	29791298
Application Number:	13834466
International Application Number:	
Confirmation Number:	2038
Title of Invention:	SYSTEM AND METHOD FOR MANAGING GRATUITIES
First Named Inventor/Applicant Name:	Aleksandar STEPANOVICH
Customer Number:	102467
Filer:	Walter J. Kawula Jr./Shannon Geers
Filer Authorized By:	Walter J. Kawula Jr.
Attorney Docket Number:	209387.00003
Receipt Date:	14-JUL-2017
Filing Date:	15-MAR-2013
Time Stamp:	17:19:29
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$480
RAM confirmation Number	071717INTEFSW00003843150450
Deposit Account	150450
Authorized User	Shannon Geers
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 37 CFR 1.17 (Patent application and reexamination processing fees) 37 CFR 1.19 (Document supply fees)	

37 CFR 1.20 (Post Issuance fees)
37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	IssueFee.pdf	286485	no	1
			448ce4cc02447bbb5eca64364c1ffc7e3e273027		

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	30698	no	2
			ecc8c67412b6c2132257221d306afa755c9f00fo		

Warnings:

Information:

Total Files Size (in bytes):	317183
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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

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/834,466	08/22/2017	9741050	209387.00003	2038

102467 7590 08/02/2017
Hahn Loeser + Parks LLP
65 East State Street
Suite 1400
Columbus, OH 43215

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 295 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):

GRATUITY, LLC, Naples, FL;
Aleksandar STEPANOVICH, Naples, FL;

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.

TRANSMITTAL FOR POWER OF ATTORNEY TO ONE OR MORE REGISTERED PRACTITIONERS

NOTE: This form is to be submitted with the Power of Attorney by Applicant form (PTO/AIA/82B) to identify the application to which the Power of Attorney is directed, in accordance with 37 CFR 1.5, unless the application number and filing date are identified in the Power of Attorney by Applicant form. If neither form PTO/AIA/82A nor form PTO/AIA82B identifies the application to which the Power of Attorney is directed, the Power of Attorney will not be recognized in the application.

Application Number	13/834,466
Filing Date	March 15, 2013
First Named Inventor	Aleksandar STEPANOVICH
Title	SYSTEM AND METHOD FOR MANAGING GRATUITIES
Art Unit	3627
Examiner Name	Andrew Wilder
Attorney Docket Number	JCE-6715-2

SIGNATURE of Applicant or Patent Practitioner

Signature	/John C. Eisenhart/	Date (Optional)	February 13, 2018
Name	John C. Eisenhart	Registration Number	38,128
Title (if Applicant is a juristic entity)			
Applicant Name (if Applicant is a juristic entity)			

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

*Total of 1 forms are submitted.

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

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

POWER OF ATTORNEY BY APPLICANT

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

Application Number	Filing Date

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

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

OR

23117

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

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

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

OR

- ☐ The address associated with Customer Number:

OR

Firm or Individual Name					
Address					
City		State		Zip	
Country					
Telephone		Email			

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

Gratuity, LLC

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

SIGNATURE of Applicant for Patent

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

Signature		Date (Optional)	2/2/14
Name	Carlo Zampogna		
Title	Authorized Member of LLC		

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

- ☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.151, 1.52, and 1.53. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

"FEE ADDRESS" INDICATION FORM

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

Fax to:
571-273-6500
- OR -

Please recognize as the "Fee Address" under the provisions of 37 CFR 1.363 the address associated with the following customer number

☒ Customer Number

23117

Type Customer Number here

OR

☐ Request for Customer Number (PTO/SB/125) attached hereto

in the following listed application(s) for which the Issue Fee has been paid or patent(s).

PATENT NUMBER (if known)	APPLICATION NUMBER
9,741,050	13/834,466

(check one)

☐ Applicant/Inventor

/John C. Eisenhart/
Signature

☒ Attorney or Agent of record 38,128
(Reg. No.)

John C. Eisenhart
Typed or printed name

☐ Assignee of record of the entire interest. See 37
C.F.R. § 3.71. Statement under 37 C.F.R. § 3.73(b)
is enclosed.

703-816-4408
Requester's telephone number

☐ Assignment recorded at Reel _____ Frame _____

February 13, 2018
Date

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 1 form/s are submitted.

Electronic Acknowledgement Receipt	
EFS ID:	31781769
Application Number:	13834466
International Application Number:	
Confirmation Number:	2038
Title of Invention:	SYSTEM AND METHOD FOR MANAGING GRATUITIES
First Named Inventor/Applicant Name:	Aleksandar STEPANOVICH
Customer Number:	102467
Filer:	John C. Eisenhart/Natalie Parcell
Filer Authorized By:	John C. Eisenhart
Attorney Docket Number:	209387.00003
Receipt Date:	13-FEB-2018
Filing Date:	15-MAR-2013
Time Stamp:	17:11:05
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	6715-2_Power_of_Attorney.pdf	1844825	no	2
			bd667daf5f39741f35e33754d492169d888a1308		

Warnings:

Information:					
2	Maintenance Fee Address Change	6715-2_Fee_Address_Indication_Form.pdf	20590	no	1
			1c482d701390849f24155c1e0ac5e07def9c1094		
Warnings:					
Information:					
Total Files Size (in bytes):			1865415		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/834,466	03/15/2013	Aleksandar STEPANOVICH	209387.00003

CONFIRMATION NO. 2038

POA ACCEPTANCE LETTER

23117
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203



Date Mailed: 02/20/2018

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/13/2018.

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

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

/sleutchit/



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
13/834,466	03/15/2013	Aleksandar STEPANOVICH	209387.00003

CONFIRMATION NO. 2038

POWER OF ATTORNEY NOTICE



102467
Hahn Loeser + Parks LLP
65 East State Street
Suite 1400
Columbus, OH 43215

Date Mailed: 02/20/2018

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/13/2018.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

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

/sleutchit/

AO 120 (Rev. 08/10)

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

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

DOCKET NO. 3:21-cv-5621-TLF	DATE FILED 8/26/2021	U.S. DISTRICT COURT Western District of Washington, Tacoma Division
PLAINTIFF FARRELL'S MANAGEMENT SERVICES, LLC		DEFENDANT LEIF MAGNUSON, TIPHAUS, INC. D/B/A/ TIPHAUS NW INC., GRATUITY, LLC, AND GRATUITY SOLUTIONS, LLC
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 9741050	8/22/2017	Gratuity, LLC
2 10726436	7/28/2020	Gratuity, 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 RAVI SUBMARANIAN	(BY) DEPUTY CLERK 	DATE 08/30/2021
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

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

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

DOCKET NO. 2:21-cv-604-FtM-38MRM	DATE FILED August 13, 2021	U.S. DISTRICT COURT Middle District of Florida
PLAINTIFF GRATUITY, LLC		DEFENDANT LEIF MAGNUSON, et al.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 US 9,741,050 B2	August 22, 2017	Stepanovich
2 US 10,726,436 B2	July 28, 2020	Stepanovich

CLERK ELIZABETH M. WARREN	(BY) DEPUTY CLERK Jordan Keeler	DATE September 1, 2021
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))				
Patent Number	Issue Date	Application Number	Filing Date	Docket Number (if applicable)
9741050	22-Aug-2017	13834466	15-Mar-2013	
CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).				
Applicants claims the following fee status:				
☒ Small Entity				
☐ Micro Entity				
☐ Regular Undiscounted				
Applicants selects the following :				
☒ 3 1/2		☐ 7 1/2		☐ 11 1/2
PETITION FEE The petition fee required by 37 CFR 1.17(m) (Fee Code 1558/2558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.				
MAINTENANCE FEE (37 CFR 1.20(e)-(g)) The appropriate maintenance fee must be submitted with this petition.				
STATEMENT The delay in payment of the maintenance fee for this patent was unintentional. Petitioner is reminded that a delay resulting from a deliberately chosen course of action or a change in circumstance is not an unintentional delay. Petitioner is further reminded that a person seeking reinstatement of an expired patent should not make a statement that the delay in payment of the maintenance fee was unintentional unless the entire delay was unintentional, including the period from discovery that the maintenance fee was not timely paid until payment of the maintenance fee. For example, a statement that the delay in payment of the maintenance fee was unintentional would not be proper when the patentee becomes aware of an unintentional failure to timely pay the maintenance fee and then intentionally delays filing a petition for reinstatement of the patent under 37 CFR 1.378. See MPEP 2590. NOTE: Where the petition under 37 CFR 1.378 is filed more than two years after the date the patent expired for nonpayment of the maintenance fee, the United States Patent and Trademark Office requires an additional explanation of the circumstances surrounding the delay that establishes the entire delay was unintentional. This requirement is in addition to the requirement to provide a statement that the entire delay was unintentional. See <i>Clarification of the Practice for Requiring Additional Information in Petitions Filed in Patent Applications and Patents Based on Unintentional Delay</i> , 85 FR 12222 (March 2, 2020). See MPEP 711.03(c)(II)(C)-(F) for additional guidance on the information required to establish that the entire delay was unintentional.				
PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED				
THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES 37 CFR 1.378(c) states: "Any petition under this section must be signed in compliance with 37 CFR 1.33(b) ."				
I certify, in accordance with 37 CFR 1.4(d)(4) that I am				

- ☐ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees as evidenced by the power of attorney in the application
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that qualifies as an authorized party under 37 CFR 1.33(b)

Patent Practitioner

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature

Signature	/John Eisenhart/		
Name	John Eisenhart	Registration Number	38128

Electronic Patent Application Fee Transmittal				
Application Number:		13834466		
Filing Date:		15-Mar-2013		
Title of Invention:		SYSTEM AND METHOD FOR MANAGING GRATUITIES		
First Named Inventor/Applicant Name:		Aleksandar STEPANOVICH		
Filer:		John C. Eisenhart		
Attorney Docket Number:		209387.00003		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
MAINTENANCE FEE DUE AT 3.5 YEARS	2551	1	1000	1000
PET. DELAY PYMT MAINTAIN PATENT IN FORCE	2558	1	1050	1050
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				2050



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Patent No. 9741050 :
Issue Date: August 22, 2017 :
Application No. 13834466 :DECISION GRANTING PETITION
Filed: March 15, 2013 :UNDER 37 CFR 1.378(b)
Attorney Docket No. 209387.00003 :

This is a decision on the electronic petition, filed March 7, 2022, under 37 CFR 1.378(b) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of March 7, 2022. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Electronic Acknowledgement Receipt	
EFS ID:	45165319
Application Number:	13834466
Patent Number:	9741050
Confirmation Number:	2038
Petition Issued Date:	March 7,2022
Title of Invention:	SYSTEM AND METHOD FOR MANAGING GRATUITIES
First Named Inventor/Applicant Name:	Aleksandar STEPANOVICH
Customer Number:	23117
Filer:	John C. Eisenhart
Filer Authorized By:	
Attorney Docket Number:	209387.00003
Receipt Date:	07-MAR-2022
Filing Date:	15-MAR-2013
Time Stamp:	17:46:05
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$2050
RAM confirmation Number	E202237H45591249
Deposit Account	
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	ePetition Request Form	petition-request.pdf	47986	no	2
			4f75a33448c192dae4c8fb84b29e89703ebf d516		
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	39888	no	2
			3cbf9208369125afbc3b16b4ea79024a44d0 5da07		
Warnings:					
Information:					
Total Files Size (in bytes):			87874		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					