031105 20427 U.S. PTO

PTO/SB/05 (08-03)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office. U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	W-9001
First Inventor	Gerry Calabrese, et al.
Title	Mobile Phone Charge Card ...
Express Mail Label No.	EV 577604409 US

113268 U.S. PTO 11/07778 031105

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: **Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450**

1. [X] Fee Transmittal Form (e.g., PTO/SB/17) *(Submit an original and a duplicate for fee processing)*
2. [X] Applicant claims small entity status. See 37 CFR 1.27.
3. [X] Specification [*Total Pages* 16]
   (preferred arrangement set forth below)
   - Descriptive title of the invention
   - Cross Reference to Related Applications
   - Statement Regarding Fed sponsored R & D
   - Reference to sequence listing, a table, or a computer program listing appendix
   - Background of the Invention
   - Brief Summary of the Invention
   - Brief Description of the Drawings *(if filed)*
   - Detailed Description
   - Claim(s)
   - Abstract of the Disclosure
4. [X] Drawing(s) (*35 U.S.C. 113*) [*Total Sheets* 2]
5. Oath or Declaration [*Total Sheets*]
   a. [X] Newly executed (original or copy)
   b. [ ] Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional with Box 18 completed)*
      i. [ ] DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. [X] Application Data Sheet. See 37 CFR 1.76
7. [ ] CD-ROM or CD-R in duplicate, large table or Computer Program *(Appendix)*
8. Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all necessary)*
   a. [ ] Computer Readable Form (CRF)
   b. Specification Sequence Listing on:
      i. [ ] CD-ROM or CD-R (2 copies); or
      ii. [ ] Paper
   c. [ ] Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. [ ] Assignment Papers (cover sheet & document(s))
10. [ ] 37 CFR 3.73(b) Statement *(when there is an assignee)* [X] Power of Attorney
11. [ ] English Translation Document *(if applicable)*
12. [ ] Information Disclosure Statement (IDS)/PTO 1449 [ ] Copies of IDS Citations
13. [ ] Preliminary Amendment
14. [X] Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
15. [ ] Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. [ ] Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. [X] Other: Express Mail Certification, Check .....

18. If a CONTINUING APPLICATION, *check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:*

[ ] Continuation [ ] Divisional [ ] Continuation-in-part (CIP) of prior application No.: .....

Prior application information: *Examiner* _____ *Art Unit:* _____

For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

[X] Customer Number: 24131 *OR* [ ] Correspondence address below

Name					
Address					
City		*State*		*Zip Code*	
Country		*Telephone*		*Fax*	

Name (Print/Type)	Werner H. Stemer	*Registration No. (Attorney/Agent)*	34,956
Signature		*Date*	03/11/2005

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Patent Application, 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.

/bb

031105 20427 U.S.PTO

PTO/SB/17 (12-04)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 500.00

Complete if Known	
Application Number	Concurrently herewith
Filing Date	Concurrently herewith
First Named Inventor	Gerry Calabrese, et al.
Examiner Name	N/A
Art Unit	N/A
Attorney Docket No.	W-9001

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 12-1099 Deposit Account Name: Lerner and Greenberg, P.A.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES Fee ($)	FILING FEES Small Entity Fee ($)	SEARCH FEES Fee ($)	SEARCH FEES Small Entity Fee ($)	EXAMINATION FEES Fee ($)	EXAMINATION FEES Small Entity Fee ($)	Fees Paid ($)
Utility	300	150	500	250	200	100	500.00
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee ($)	Fee Paid ($)
7 - 20 or HP =		x	=

HP = highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims	Fee ($)	Fee Paid ($)
2 - 3 or HP =		x	=

HP = highest number of independent claims paid for, if greater than 3

Multiple Dependent Claims: Fee ($) _____ Fee Paid ($) _____

3. APPLICATION SIZE FEE

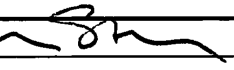
If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee ($)	Fee Paid ($)
- 100 =	/ 50 =	(round up to a whole number) x		= 0.00

4. OTHER FEE(S)

	Fees Paid ($)
Non-English Specification, $130 fee (no small entity discount)	0.00
Other: _____	0.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	34,956	Telephone	(954) 925-1100
Name (Print/Type)	Werner H. Stemer			Date	March 11, 2005

This collection of information is required by 37 CFR 1.136. 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 30 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.**

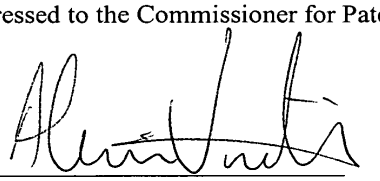
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EXPRESS MAIL CERTIFICATION
UNDER 37 C.F.F. 1.10

Docket No.: W-9001

"Express Mail" mailing label number: EV 577604409 US
Date of Deposit: March 11, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



Alexia Vrahimis

031105 20427 U.S. PTO

PTO/SB/05 (08-03)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office. U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	W-9001
First Inventor	Gerry Calabrese, et al.
Title	Mobile Phone Charge Card ...
Express Mail Label No.	EV 577604409 US

113268 U.S. PTO 11/07778 031105

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: **Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450**

1. [X] Fee Transmittal Form (e.g., PTO/SB/17) *(Submit an original and a duplicate for fee processing)*
2. [X] Applicant claims small entity status. See 37 CFR 1.27.
3. [X] Specification [*Total Pages* 16]
   (preferred arrangement set forth below)
   - Descriptive title of the invention
   - Cross Reference to Related Applications
   - Statement Regarding Fed sponsored R & D
   - Reference to sequence listing, a table, or a computer program listing appendix
   - Background of the Invention
   - Brief Summary of the Invention
   - Brief Description of the Drawings *(if filed)*
   - Detailed Description
   - Claim(s)
   - Abstract of the Disclosure
4. [X] Drawing(s) (*35 U.S.C. 113*) [*Total Sheets* 2]
5. Oath or Declaration [*Total Sheets*]
   a. [X] Newly executed (original or copy)
   b. [ ] Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional with Box 18 completed)*
      i. [ ] DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. [X] Application Data Sheet. See 37 CFR 1.76
7. [ ] CD-ROM or CD-R in duplicate, large table or Computer Program *(Appendix)*
8. Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all necessary)*
   a. [ ] Computer Readable Form (CRF)
   b. Specification Sequence Listing on:
      i. [ ] CD-ROM or CD-R (2 copies); or
      ii. [ ] Paper
   c. [ ] Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. [ ] Assignment Papers (cover sheet & document(s))
10. [ ] 37 CFR 3.73(b) Statement *(when there is an assignee)* [X] Power of Attorney
11. [ ] English Translation Document *(if applicable)*
12. [ ] Information Disclosure Statement (IDS)/PTO 1449 [ ] Copies of IDS Citations
13. [ ] Preliminary Amendment
14. [X] Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
15. [ ] Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. [ ] Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. [X] Other: Express Mail Certification, Check .....

18. If a CONTINUING APPLICATION, *check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:*

[ ] Continuation [ ] Divisional [ ] Continuation-in-part (CIP) of prior application No.: .....

Prior application information: *Examiner* _____ *Art Unit:* _____

For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

[X] Customer Number: 24131 *OR* [ ] Correspondence address below

Name					
Address					
City		*State*		*Zip Code*	
Country		*Telephone*		*Fax*	

Name (Print/Type)	Werner H. Stemer	*Registration No. (Attorney/Agent)*	34,956
Signature		*Date*	03/11/2005

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Patent Application, 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.

/bb

031105 20427 U.S.PTO

PTO/SB/17 (12-04)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 500.00

Complete if Known	
Application Number	Concurrently herewith
Filing Date	Concurrently herewith
First Named Inventor	Gerry Calabrese, et al.
Examiner Name	N/A
Art Unit	N/A
Attorney Docket No.	W-9001

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 12-1099 Deposit Account Name: Lerner and Greenberg, P.A.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES Fee ($)	FILING FEES Small Entity Fee ($)	SEARCH FEES Fee ($)	SEARCH FEES Small Entity Fee ($)	EXAMINATION FEES Fee ($)	EXAMINATION FEES Small Entity Fee ($)	Fees Paid ($)
Utility	300	150	500	250	200	100	500.00
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee ($)	Fee Paid ($)
7 - 20 or HP =		x	=

HP = highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims	Fee ($)	Fee Paid ($)
2 - 3 or HP =		x	=

HP = highest number of independent claims paid for, if greater than 3

Multiple Dependent Claims Fee ($)	Fee Paid ($)

3. APPLICATION SIZE FEE

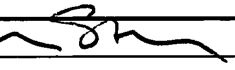
If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee ($)	Fee Paid ($)
- 100 =	/ 50 =	(round up to a whole number) x		= 0.00

4. OTHER FEE(S)

	Fees Paid ($)
Non-English Specification, $130 fee (no small entity discount)	0.00
Other: _____	0.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 34,956	Telephone (954) 925-1100
Name (Print/Type)	Werner H. Stemer		Date March 11, 2005

This collection of information is required by 37 CFR 1.136. 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 30 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.**

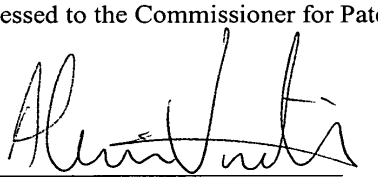
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EXPRESS MAIL CERTIFICATION
UNDER 37 C.F.F. 1.10

Docket No.: W-9001

"Express Mail" mailing label number: EV 577604409 US
Date of Deposit: March 11, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



Alexia Vrahimis

W-9001

MOBILE PHONE CHARGE CARD NOTIFICATION AND AUTHORIZATION METHOD

BACKGROUND OF THE INVENTION

[0001] Field of the Invention

[0002] The invention lies in the financial transaction processing field. More specifically, the invention relates to credit and debit transactions and to related charge notification and charge authorization.

[0003] Credit cards and charge cards have become the primary vehicle by which payments for consumer services and consumer goods are transacted. In today's environment, credit payments are authorized at the point of sale (POS) and the authorization is provided by the cardholder's signature on a receipt. Often, the transaction is performed under considerable time pressure (e.g., in a long cash-out line) and mistakes are only recognized after the transaction has been completed. The consumer may, for example, have been charged too much, and he may have authorized the incorrect amount. As many consumers know, correcting such simple mistakes is not at all simple and the correction is time

Petitioner Askeladden LLC
Exhibit 1013 - Page 7 of 135

consuming and it is an expensive service for the credit card and credit clearing houses to maintain.

[0004] Mistakes such as the foregoing, however, are not the main reason for considerable losses. Often, incorrect or non-authorized charges are effected because of fraudulent or even innocent mistakes that could have been avoided, had better authorization security been assured. It is well known that charge errors and charge fraud causes millions of dollars in losses in the United States alone.

[0005] Extraneous authorization security, on the other hand, may be too intrusive in many cases and may even have a negative impact on the transaction.

SUMMARY OF THE INVENTION

[0006] It is accordingly an object of the invention to provide a credit card transaction notification and authorization method, which overcomes the above-mentioned disadvantages of the heretofore-known devices and methods of this general type and which provides for a non-intrusive, user-selectable notification and authorization system for credit card transactions.

Petitioner Askeladden LLC
Exhibit 1013 - Page 8 of 135

[0007] With the foregoing and other objects in view there is provided, in accordance with the invention, a payment authorization method, which comprises:

gathering, at a merchant's, account information for payment of a customer's purchase;

transmitting an authorization request to a financial authorization system requesting payment authorization for the customer's purchase, the authorization request including the account information;

notifying the customer by sending a message to a wireless device carried upon the customer.

[0008] In accordance with an added feature of the invention, the gathering step comprises swiping a card presented by the customer and containing the account information.

[0009] With the above and other objects in view there is also provided, in accordance with a second embodiment of the invention, a payment authorization method, which comprises:

Petitioner Askeladden LLC
Exhibit 1013 - Page 9 of 135

gathering, at a merchant's, account information for payment of a customer's purchase;

transmitting an authorization request to a financial authorization system requesting payment authorization for the customer's purchase, the authorization request including the account information;

calling a wireless device associated with the customer and prompting the customer for confirmation or refusal of the transaction; and

processing the authorization request in accordance with the customer's response by either refusing the transaction or processing the purchase.

[0010] In accordance with an alternative implementation of the invention the customer is required to enter their personal identifier (e.g., a PIN) upon being prompted. A proper PIN response is considered an authorization, while an incorrect PIN or no response at all is considered a refusal.

[0011] Other features which are considered as characteristic for the invention are set forth in the appended claims.

Petitioner Askeladden LLC
Exhibit 1013 - Page 10 of 135

[0012] Although the invention is illustrated and described herein as embodied in a credit card transaction notification and authorization system, it is nevertheless not intended to be limited to the details shown, since various modifications and structural changes may be made therein without departing from the spirit of the invention and within the scope and range of equivalents of the claims.

[0013] The construction of the invention, however, together with additional objects and advantages thereof will be best understood from the following description of the specific embodiment when read in connection with the accompanying drawings.

BRIEF DESCRIPTION OF THE DRAWING

[0014] Fig. 1 is a schematic diagram illustrating a transaction according to the invention, in which the customer is notified immediately during the transaction; and

[0015] Fig. 2 is a flow diagram illustrating a method for charge request processing according to the invention.

Petitioner Askeladden LLC
Exhibit 1013 - Page 11 of 135

DESCRIPTION OF THE PREFERRED EMBODIMENTS

[0016] Referring now to the figures of the drawing in detail and first, particularly, to Fig. 1 thereof, there is seen a simplified process stream in a cash-less sales transaction. A charge card 1 is swiped at a magnetic card reader 2 at a merchant terminal 3, or the card number is manually entered at the merchant terminal 3. The latter may represent a store, it may be a teller or an automated teller machine (ATM), or it may be a virtual terminal in an internet-type transaction. The cardholder, or the person swiping the card, may now be prompted to select a debit transaction or a credit transaction on the merchant terminal 3. If debit is selected, the cardholder enters the PIN associated with the card or with the account. If credit is selected, the cardholder is requested to sign for the purchase.

[0017] Prior to the customer's signing for the purchase, the merchant terminal 3 connects, through a modem 5, to an acquirer 6. The latter obtains the information from the modem 5 and checks against its data sources whether or not the transaction should be authorized. At the same time, a corresponding customer profile is checked as to the customer's set preferences concerning the notification/authorization options according to the invention.

Petitioner Askeladden LLC
Exhibit 1013 - Page 12 of 135

[0018] Here, the customer's profile is set to simple "notification," which means that the system only notifies the cardholder by sending a message to his wireless device (e.g., cell phone). The message may be an audible message such as, for example, "%amount% charged on %date% at %merchant name%", or it may be an SMS (short message service) sent to the customer's phone. The customer's profile, however, may be set to any of several other options. For instance, the profile may be set to a simple notification, as above, followed by a prompt to confirm the purchase. The confirmation, again, may take any of several forms. For example, a simple "1" in answer to the confirmation request may be a code for authorization and a "2" may be a refusal. Or else, the customer may be prompted to enter a PIN or any set password which is stored in the customer profile. If the profile is set to authorization, the payment authorization and the payment guarantee are not provided. That is, the card transaction is declined at the merchant terminal 3.

[0019] The simple notification, of course, does not add any time to the transaction. If confirmation is required, the transaction is slightly extended. The added security, however, may well justify the delay. In either case, it is up to the customer to choose and set his profile accordingly.

Petitioner Askeladden LLC
Exhibit 1013 - Page 13 of 135

[0020] The possible delay may be avoided by way of a further modification of the invention. Here, we provide for preauthorization when a charge request is imminent. By way of example: waiting in a checkout line, the customer may call "ahead" and provide preauthorization for the impending purchase. This may be entirely automated. The system will prompt the customer to identify a period of time for which the authorization is valid. For example, the purchase may be expected within 10 minutes and, accordingly, the customer will select, say, the half-hour authorization option. The system may also prompt for a maximum amount that would be authorized. For example, the purchase may be expected to cost $ 50.00 and, accordingly, the customer may set the maximum authorized amount to, say, $ 100.00. Proper preauthorization parameters may be empirically or statistically developed and the system may be set accordingly.

[0021] The process flow may be best understood by reference to a realistic example in a restaurant environment: The server has presented the customer a check, the customer has briefly reviewed the check, found the total amount of, say, $40.00 agreeable, and handed the server the check and the credit card. The server then moves to a backroom and processes the transaction, by swiping the card and entering the amount of $40.00 into a register terminal. Immediately upon receiving the authorization request, the

Petitioner Askeladden LLC
Exhibit 1013 - Page 14 of 135

credit card authorization system (e.g., the acquirer 6) sends an SMS message to the customer's cell phone. The customer receives the message telling him that the restaurant has requested authorization for a charge of $40.00. This happens well before the server returns with the transaction slip requesting the customer's signature.

[0022] When the final transaction is posted – the customer may have added a tip and the actual total may come out to, say, $48.00 – the customer may or may not be notified again. This depends on the profile associated with the customer.

[0023] In the foregoing scenario, unfortunately, the customer's credit card is less than safe. It is possible, for example, for the server to swipe the card for one or two additional transactions, to be posted the next day or the next week. With the invention, the additionally swiped transactions would not be authorized, because the customer would decline. If only notification were requested according to the profile, the customer would still be alerted to the questionable transaction and could thus take the necessary countermeasure steps. Still in the same scenario, the credit card number and the name could be copied down very quickly. In addition, the three-digit security code could be copied down as well. The customer's credit card,

Petitioner Askeladden LLC
Exhibit 1013 - Page 15 of 135

while physically long returned to the customer, could now be used to make online and telephone purchases.

[0024] It will be understood that the foregoing scenario is merely exemplary and is in no way limiting with regard to the application of the instant invention (nor is it intended to be disparaging to the restaurant industry). Indeed, there exist numerous situations where proper customer notification and customer authorization may prevent fraudulent transactions and even wrongful transactions that are based on honest mistakes.

[0025] It will also be understood that the foregoing description is not only applicable to credit card processing, but also to debit and ATM card processing. The term "charge card" encompasses all of these cards and equivalent or similar payment mechanisms. For example, if cash is requested at an ATM (automatic teller machine), the customer may be prompted to authorize the dispensing of the given amount via his cell phone, in addition to entering the PIN at the ATM terminal. In a further modification, however, it is possible to dispense with the prompt for the PIN entry at the terminal altogether and to only require the entry of a PIN through the customer's cell phone.

Petitioner Askeladden LLC
Exhibit 1013 - Page 16 of 135

[0026] This leads to yet another modification or, rather, to a further application of the novel system according to the invention. It is possible for the customer profile to be set to notify (and/or require confirmation from) a third party. Such third party notification/confirmation may be beneficial in a parent/child relationship, or in an employer/employee relationship. The cell phone (or beeper, or equivalent wireless device) to which the notification is to be sent is set by the cardholder and it may be freely changed through secure access (e.g., by telephone through customer service, online through the Internet).

[0027] Referring now briefly to Fig. 2, after the required information has been gathered at the merchant's (POS, ATM, online, telephone, etc.), an authorization request or charge request 10 is sent to the financial processing facility 6. There, the request is processed in a conventional manner as indicated by the boxes 11 and 12. At the same time, the customer profile associated with the account number is checked at 13. The customer profile may be set to "no action" or it may not be set at all. In that case, the right-hand branch is immediately terminated. If the profile is set to *Notify Only*, the query 14 returns a corresponding response and the customer's wireless device (e.g., cell phone or beeper) is notified at 15. The message may be an SMS message or it may be a voice announcement, depending on the

Petitioner Askeladden LLC
Exhibit 1013 - Page 17 of 135

customer profile. Once the notification has been sent at 15, a flag is set at 16.

[0028] If the customer profile is set to *Notify & Confirm*, the message to the customer's wireless device contains a message as above and a prompt for confirmation at 17. The confirmation may be a simple reply to an SMS message, it may consist of any key depressed (during a live call), or it may be a full fledged PIN or password. In a further modification, which adds yet another level of security, the customer may be prompted for a voice reply and the reply may then be subjected to "voice recognition" by comparing a frequency hysteresis chart associated with the customer to the voice reply.

[0029] If the customer (or the person in the possession of the wireless device) returns the proper response, the query 18 directs the process flow to the box 16, where the confirm flag is once more set to "1." If no response is received, or if an incorrect response is received, the confirm flag is set to "0" at 19.

[0030] At approximately the same time as the confirm flag is set to "1" or "0" – signifying proper or improper notification and/or proper customer side authorization – the financial transaction processing also has reached an

Petitioner Askeladden LLC
Exhibit 1013 - Page 18 of 135

end point at 20. If the transaction has been rejected, the merchant is notified accordingly by refusing the transaction at 21. If the financial transaction has been authorized at 20, the process queries whether or not the confirm flag has been set ("1") to indicate that the customer has been notified of the transaction and/or has authorized the transaction at 22. If the flag is not set ("0"), the transaction at the merchant's is refused. If the flag is set, the charge is authorized.

Petitioner Askeladden LLC
Exhibit 1013 - Page 19 of 135

I CLAIM

1. A payment authorization method, which comprises:

gathering, at a merchant's, account information for payment of a customer's purchase;

transmitting an authorization request to a financial authorization system requesting payment authorization for the customer's purchase;

notifying the customer that the authorization request has been received by transmitting a notification to a wireless device associated with the customer; and

processing the transaction for payment authorization.

2. The method according to claim 1, wherein the authorization request includes the account information and a monetary amount, and the notification to the wireless device includes the monetary amount.

3. The method according to claim 1, which further comprises prompting the customer to return a response to the notification and authorizing the purchase only when a proper response is returned.

Petitioner Askeladden LLC
Exhibit 1013 - Page 20 of 135

4. The method according to claim 1, wherein the response includes a personal identifier associated with the customer.

5. In a charge card payment authorization method, wherein a charge is requested at a merchant's, account information for payment of a customer's purchase is acquired at the merchant's, an authorization request is transmitted to a remote charge processing facility, and the charge request is processed, the improvement which comprises: transmitting a notification of the charge request to a wireless device associated with the customer no later than immediately after authorizing the charge request.

6. The method according to claim 5, which comprises transmitting the notification immediately upon receiving the charge request and prior to authorizing the charge request.

7. The method according to claim 5, which comprises prompting for an authorization response from the wireless device associated with the customer and authorizing the charge request only upon receiving a valid authorization response.

Petitioner Askeladden LLC
Exhibit 1013 - Page 21 of 135

Abstract of the Disclosure:

An added level of security is added to charge card transactions. Upon presenting a credit card for a purchase, for example, the cardholder receives a message on his cell phone that a charge authorization request has been received. The cardholder may also be prompted to reply with a password or a PIN, so as to add a second security authorization.

WHS:bh - W-9001F//3/11/2005

Petitioner Askeladden LLC
Exhibit 1013 - Page 22 of 135

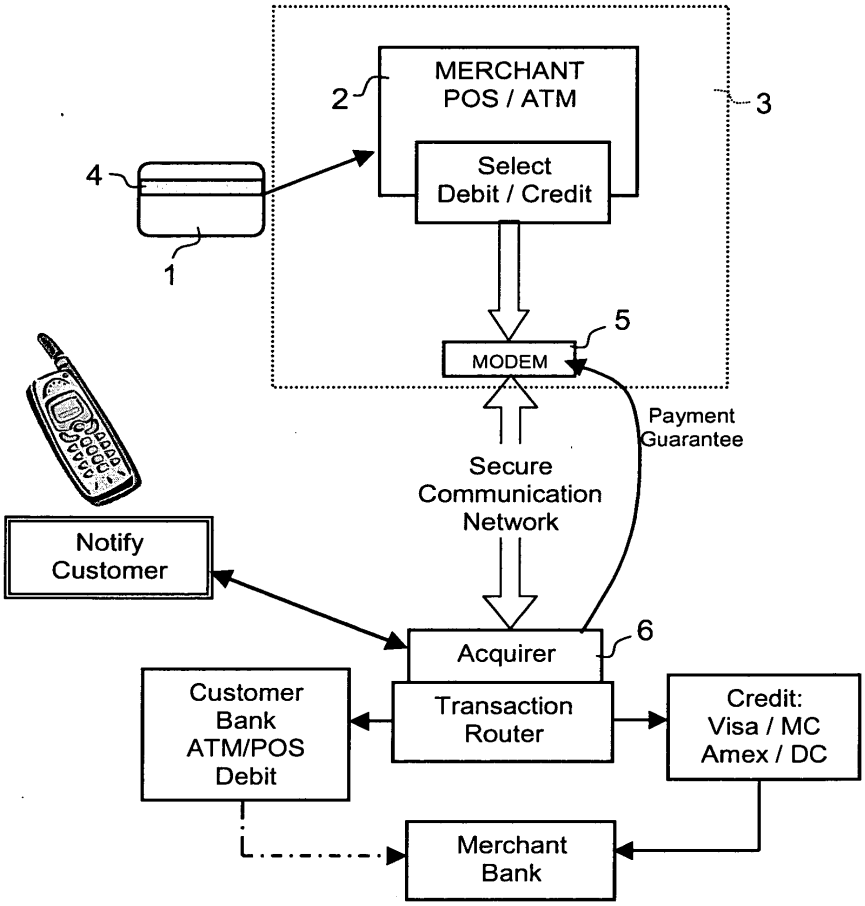

MERCHANT
POS / ATM
2
3
4
1
Select
Debit / Credit
5
MODEM
Payment
Guarantee
Secure
Communication
Network
Notify
Customer
6
Acquirer
Customer
Bank
ATM/POS
Debit
Transaction
Router
Credit:
Visa / MC
Amex / DC
Merchant
Bank

FIG. 1

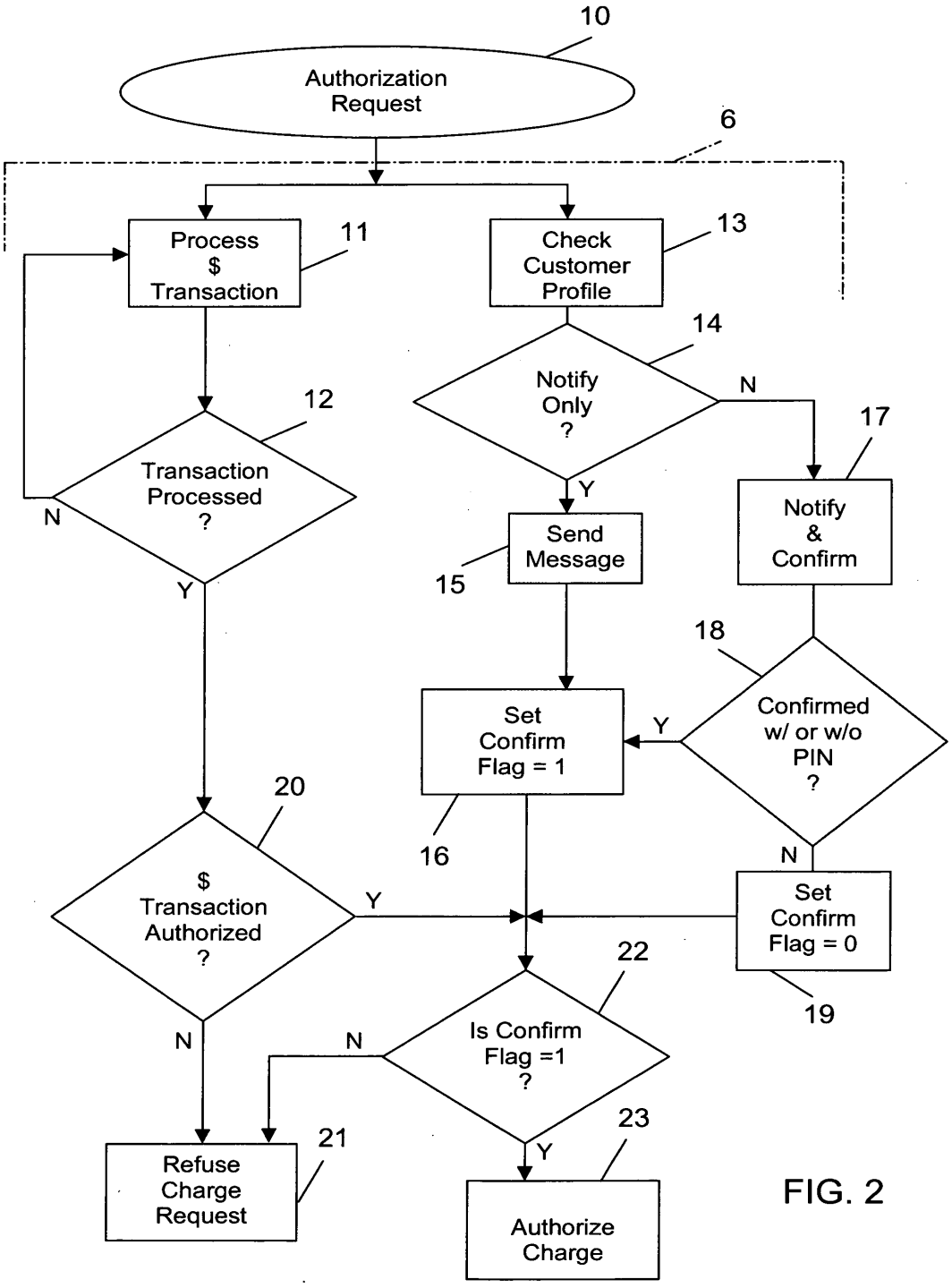

10
Authorization Request
6
Process $ Transaction
11
Check Customer Profile
13
Notify Only ?
14
N
Y
12
Transaction Processed ?
N
Y
17
Notify & Confirm
Send Message
15
18
Confirmed w/ or w/o PIN ?
Y
N
Set Confirm Flag = 1
16
20
$ Transaction Authorized ?
Y
N
Set Confirm Flag = 0
19
22
Is Confirm Flag =1 ?
N
Y
21
Refuse Charge Request
23
Authorize Charge

FIG. 2

Docket No.: W-9001

COMBINED DECLARATION AND POWER OF ATTORNEY IN ORIGINAL APPLICATION

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

MOBILE PHONE CHARGE CARD NOTIFICATION AND AUTHORIZATION METHOD

described and claimed in the specification bearing that title, that I understand the content of the specification, that I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, that I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in 37 CFR § 1.56, and that no application for patent or inventor's certificate of this invention has been filed earlier than the following in any country foreign to the United States prior to this application by me or my legal representatives or assigns:

I hereby appoint practitioners associated with the Customer Number

24131

as my attorneys and/or agents to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

Address all correspondence and telephone calls to the mailing address/contact numbers associated with Customer Number

24131

LERNER AND GREENBERG, P.A.
POST OFFICE BOX 2480
HOLLYWOOD, FLORIDA 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101

BEST AVAILABLE COPY

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF FIRST JOINT INVENTOR: Gerry CALABRESE

Inventor's Signature

3-11-05
Date

Residence: Fort Lauderdale, Florida

Country of Citizenship: United States of America

Post Office Address: 15951 S.W. 41st Street, Suite 600
Fort Lauderdale, FL 33331

FULL NAME OF SECOND JOINT INVENTOR: Werner STEMER

Inventor's Signature

3/11/2005
Date

Residence: Fort Lauderdale, Florida

Country of Citizenship: Austria

Post Office Address: 1008 SW 5th Place
Fort Lauderdale, FL 33312

BEST AVAILABLE COPY

PATENT APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

03/16/2005 HTECKLU1 00000081 11077783

01 FC:2011	150.00 OP
02 FC:2111	250.00 OP
03 FC:2311	100.00 OP

PTO-1556
(5/87)

*U.S. Government Printing Office: 2002 — 489-267/69033

BEST AVAILABLE COPY

PATENT APPLICATION FEE DETERMINATION RECORD
Effective December 8, 2004

11077783

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	1	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	1 minus 20=	*
INDEPENDENT CLAIMS	2 minus 3 =	*
MULTIPLE DEPENDENT CLAIM PRESENT		☐

* If the difference in column 1 is less than zero, enter "0" in column 2

SMALL ENTITY TYPE ☐		OR	OTHER THAN SMALL ENTITY	
RATE	FEE		RATE	FEE
BASIC FEE	150.00	OR	BASIC FEE	300.00
X$ 25=		OR	X$50=	
X100=		OR	X200=	
+180=		OR	+360=	
TOTAL	150	OR	TOTAL	

CLAIMS AS AMENDED - PART II

AMENDMENT A	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 25=		OR	X$50=	
X100=		OR	X200=	
+180=		OR	+360=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

AMENDMENT B	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 25=		OR	X$50=	
X100=		OR	X200=	
+180=		OR	+360=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

AMENDMENT C	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 25=		OR	X$50=	
X100=		OR	X200=	
+180=		OR	+360=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. 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.

Petitioner Askeladden LLC
Exhibit 1013 - Page 28 of 135

Application Data Sheet

Application Information

Application Type::	Regular
Subject Matter::	Utility
Title::	Mobile Phone Charge Card Notification and Authorization Method
Attorney Docket Number::	W-9001
Request for Early Publication::	No
Request for Non-Publication::	No
Suggested Drawing Figure::	
Total Drawing Sheets::	2
Small Entity::	Yes
Petition included::	No
Secrecy Order in Patent Appl.?::	No

Applicant Information

Applicant Authority Type::	**Inventor**
Primary Citizenship Country::	USA
Status::	Full Capacity
Given Name::	Gerry
Family Name::	Calabrese
City of Residence::	Fort Lauderdale
State of Residence::	Florida
Country of Residence::	USA
Street of mailing address::	15951 S.W. 41st Street, Suite 600
City of mailing address::	Fort Lauderdale
State of mailing address::	Florida
Country of mailing address::	USA
Postal or Zip Code of mailing address::	33331

Applicant Authority Type::	**Inventor**
Primary Citizenship Country::	Austria
Status::	Full Capacity
Given Name::	Werner
Family Name::	Stemer
City of Residence::	Fort Lauderdale
State of Residence::	Florida
Country of Residence::	USA
Street of mailing address::	1008 S.W. 5th Place
City of mailing address::	Fort Lauderdale
State of mailing address::	Florida
Country of mailing address::	USA
Postal or Zip Code of mailing address::	33312

Correspondence Information

Correspondence Customer Number::	24131
Phone number::	954-925-1100
Fax Number::	954-925-1101
E-mail address::	patents@patentusa.com

Representative Customer Number::	24131

Petitioner Askeladden LLC
Exhibit 1013 - Page 30 of 135

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.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/077,783	03/11/2005	Gerry Calabrese	W-9001	8984

24131 7590 06/12/2006

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER	
KIM, AHSHIK	

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 06/12/2006

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

PTO-90C (Rev. 10/03)

H·A

Office Action Summary	Application No.	Applicant(s)	
	11/077,783	CALABRESE ET AL.	
	Examiner	Art Unit	
	Ahshik Kim	2876	

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *3/11/05 (Initial filing of application)*.

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

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

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

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

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

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

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

Application Papers

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

10)☒ The drawing(s) filed on *11 March 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

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

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

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

Priority under 35 U.S.C. § 119

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

a)☐ All b)☐ Some * c)☐ None of:

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

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

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

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

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continuation Data

1. Acknowledged that PCT/US06/08898 is continuation of the instant application.

Claim Objections

2. Claim 5 is objected to because of the following informalities:

Re claim 5, line 5: It appears to the examiner that the claim is written in Jepson-type claim (see MPEP 2129) where Applicant admits that the prior arts disclose the subject matter. It is, however, unclear what Applicant meant by "the improvement which comprises:" Is the phrase before "the improvement", meaning "In a charge card payment authorization method, wherein ..... and the charge request is processed," being admitted by the Applicant as prior arts disclose?

Appropriate clarification/correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawan (US 6,442,532, hereinafter "Kawan").

Re claims 1 and 3-6, Kawan discloses a financial information and transaction system utilizing wireless telephone (see abstract; figure 2c; col. 1, line 63 – col. 2, line 4; col. 2, lines 11+). As illustrated in figure 4, the terminal exchanges information regarding the user and the user's account in the host machine of the financial institution (col. 6, lines 7-15). At the merchant's site, the user initiates a transaction and request payment to be authorized using the portable terminal (col. 8, lines 23+). Then the user is presented with transactional information such as transaction amount – notifying the customer of the receipt of the transaction request. The user, then accepts the transaction by approving the transaction by means of, for example, pressing enter button. Consequently, the merchant's account is credited.

Re claim 2, before approving the transaction, the user is informed of the amount of the transaction (col. 8, lines 35+).

Re claim 7, pressing the "enter" key is a valid authorization response on behalf of the user.

Conclusion

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Schilling (US 5,359,182); Tannenbaum (US 5,521,363); Hannula et al. (US 6,366,893); Zacharias (US 6,494,367); Schilling (US 6,726,098); Gutman (US 5,221,838) disclose transaction system including payment methods. Applicant is respectfully suggested to carefully review these references.

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The

examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax number directly to the Examiner is (571)273-2393. The fax phone number for this Group is (703)872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

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 application is available for Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have any questions or access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Ahshik Kim
Primary Examiner
Art Unit 2876
June 5, 2006

Notice of References Cited	Application/Control No. 11/077,783	Applicant(s)/Patent Under Reexamination CALABRESE ET AL.	
	Examiner Ahshik Kim	Art Unit 2876	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,442,532	08-2002	Kawan, Joseph C.	705/36R
*	B	US-5,359,182	10-1994	Schilling, Donald L.	235/380
*	C	US-5,521,363	05-1996	Tannenbaum, David H.	235/379
*	D	US-6,366,893	04-2002	Hannula et al.	705/40
*	E	US-6,494,367	12-2002	Zacharias, Ajit Kumar	235/382
*	F	US-6,726,098	04-2004	Schilling, Donald L.	235/380
*	G	US-5,221,838	06-1993	Gutman et al.	235/379
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Petitioner Askeladden LLC
Exhibit 1013 - Page 36 of 135

Search Notes

Application/Control No.	Applicant(s)/Patent under Reexamination	
11/077,783	CALABRESE ET AL.	
Examiner	**Art Unit**	
Ahshik Kim	2876	

SEARCHED			
Class	Subclass	Date	Examiner
235	379	6/5/2006	AK
	380		
	383		

INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR
See attached EAST search history	6/5/2006	AK

Index of Claims

Application/Control No.	Applicant(s)/Patent under Reexamination
11/077,783	CALABRESE ET AL.
Examiner	**Art Unit**
Ahshik Kim	2876

√	Rejected	–	(Through numeral) Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claim		Date
Final	Original	6/5/06
	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	
	30	
	31	
	32	
	33	
	34	
	35	
	36	
	37	
	38	
	39	
	40	
	41	
	42	
	43	
	44	
	45	
	46	
	47	
	48	
	49	
	50	

Claim		Date
Final	Original	
	51	
	52	
	53	
	54	
	55	
	56	
	57	
	58	
	59	
	60	
	61	
	62	
	63	
	64	
	65	
	66	
	67	
	68	
	69	
	70	
	71	
	72	
	73	
	74	
	75	
	76	
	77	
	78	
	79	
	80	
	81	
	82	
	83	
	84	
	85	
	86	
	87	
	88	
	89	
	90	
	91	
	92	
	93	
	94	
	95	
	96	
	97	
	98	
	99	
	100	

Claim		Date
Final	Original	
	101	
	102	
	103	
	104	
	105	
	106	
	107	
	108	
	109	
	110	
	111	
	112	
	113	
	114	
	115	
	116	
	117	
	118	
	119	
	120	
	121	
	122	
	123	
	124	
	125	
	126	
	127	
	128	
	129	
	130	
	131	
	132	
	133	
	134	
	135	
	136	
	137	
	138	
	139	
	140	
	141	
	142	
	143	
	144	
	145	
	146	
	147	
	148	
	149	
	150	

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

Bib Data Sheet

CONFIRMATION NO. 8984

SERIAL NUMBER	FILING OR 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
11/077,783	03/11/2005 RULE	235	2876	W-9001

APPLICANTS

Gerry Calabrese, Fort Lauderdale, FL;
Werner Stemer, Fort Lauderdale, FL;

** CONTINUING DATA **********

** FOREIGN APPLICATIONS **********

IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** SMALL ENTITY **
** 04/08/2005

Foreign Priority claimed	35 USC 119 (a-d) conditions met	Verified and Acknowledged	STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS
☐ yes ☑ no	☐ yes ☑ no ☐ Met after Allowance	Examiner's Signature Initials	FL	2	7	2

ADDRESS
24131

TITLE

Mobile phone charge card notification and authorization method

FILING FEE RECEIVED	FEES: Authority has been given in Paper
500	No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:

- ☐ All Fees
- ☐ 1.16 Fees (Filing)
- ☐ 1.17 Fees (Processing Ext. of time)
- ☐ 1.18 Fees (Issue)
- ☐ Other _____
- ☐ Credit

RECEIVED
CENTRAL FAX CENTER

JUL 12 2006

W-9001

CERTIFICATION OF MAILING OR TRANSMISSION

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

Signature

July 12, 2006
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applic. No.	:	11/077,783	Confirmation No: 8984
Applicant	:	Gerry Calabrese, et al.	
Filed	:	March 11, 2005	
Title	:	Mobile Phone Charge Card Notification and Authorization Method	
Art Unit	:	2876	
Examiner	:	Ahshik Kim	
Docket No.	:	W-9001	
Customer No.	:	24131	

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

AMENDMENT

Sir:

Responsive to the Office action dated June 12, 2006 kindly amend the above-identified application as follows:

- **Amendments to the Specification** begin on page 2 of this paper.
- **Amendments to the Claims** are reflected in the listing of claims, which begins on page 3 of this paper.
- **Remarks/Arguments** begin on page 6 of this paper.

07/13/2006 TL0111 00000002 11077783
01 FC:2201 100.00 OP

PAGE 1/12 * RCVD AT 7/12/2006 11:40:50 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/45 * DNIS:2738300 * CSID:+9549251101 * DURATION (mm-ss):02-40

BEST AVAILABLE COPY

Amendment to the Specification:

Page 10, paragraph [0025]:

[0025] It will also be understood that the foregoing description is not only applicable to credit card processing, but also to debit and ATM card processing. The term "charge card" encompasses all of these cards and equivalent or similar payment mechanisms. For example, if cash is requested at an ATM (~~automatic~~ automated teller machine), the customer may be prompted to authorize the dispensing of the given amount via his cell phone, in addition to entering the PIN at the ATM terminal. In a further modification, however, it is possible to dispense with the prompt for the PIN entry at the terminal altogether and to only require the entry of a PIN through the customer's cell phone.

PAGE 2/12 * RCVD AT 7/12/2006 11:40:50 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/45 * DNIS:2738300 * CSID:+9549251101 * DURATION (mm-ss):02-40

BEST AVAILABLE COPY

Petitioner Askeladden LLC
Exhibit 1013 - Page 41 of 135

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claim 1 (currently amended). A payment authorization method, which comprises:

gathering, at a merchant's, account information for payment of a customer's purchase;

transmitting an authorization request to a financial authorization system requesting payment authorization for the customer's purchase via a first transmission channel;

notifying the customer that the authorization request has been received by transmitting, via a second transmission channel independent of and separate from the first transmission channel between the merchant's and the financial institution, a notification to a wireless device associated with the customer; and

processing the transaction for payment authorization.

Claim 2 (original). The method according to claim 1, wherein the authorization request includes the account information and a monetary amount, and the notification to the wireless device includes the monetary amount.

Claim 3 (original). The method according to claim 1, which further comprises prompting the customer to return a response to the notification and authorizing the purchase only when a proper response is returned.

Claim 4 (original). The method according to claim 1, wherein the response includes a personal identifier associated with the customer.

Claim 5 (currently amended). In a charge card payment authorization method, wherein a charge is requested at a merchant's, account information for payment of a

PAGE 3/12 * RCVD AT 7/12/2006 11:40:50 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/45 * DNIS:2738300 * CSID:+9549251101 * DURATION (mm-ss):02-40

BEST AVAILABLE COPY

customer's purchase is acquired at the merchant's, an authorization request is transmitted from a terminal associated with the merchant's to a remote charge processing facility, and the charge request is processed, the improvement which comprises: transmitting a notification of the charge request to a wireless device associated with the customer no later than immediately after authorizing the charge request.

Claim 6 (original). The method according to claim 5, which comprises transmitting the notification immediately upon receiving the charge request and prior to authorizing the charge request.

Claim 7 (original). The method according to claim 5, which comprises prompting for an authorization response from the wireless device associated with the customer and authorizing the charge request only upon receiving a valid authorization response.

Claim 8 (new). A charge card processing method, which comprises:

inputting a transaction request to a stationary merchant terminal disposed at a merchant location;

processing the transaction request with the merchant terminal, including a transmission of a first authorization request and receipt of a notification that authorization has been accepted or declined;

transmitting a second authorization request to a mobile communications device of a customer associated with the requested transaction via a wireless link; and

authorizing the requested transaction only if authorization has been accepted for the first authorization request and a proper response has been received to the second authorization request.

PAGE 4/12 * RCVD AT 7/12/2006 11:40:50 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/45 * DNIS:2738300 * CSID:+9549251101 * DURATION (mm-ss):02-40

BEST AVAILABLE COPY

Petitioner Askeladden LLC
Exhibit 1013 - Page 43 of 135

Claim 9 (new). A charge processing method, which comprises:

preauthorizing an imminent transaction by transmitting a preauthorization from a customer to a financial authorization system;

subsequently inputting a transaction request at a merchant terminal disposed at a merchant location;

processing the transaction request at the merchant terminal, including a transmission of an authorization request for the transaction to the financial authorization system;

transmitting a response to the authorization request from the financial authorization system to the merchant terminal, and thereby authorizing the transaction request at the merchant's if the preauthorization from the customer is available in the financial authorization system, and otherwise declining the authorization request.

Claim 10 (new). The method according to claim 9, wherein the preauthorization from the customer includes a maximum amount to be authorized for the transaction and a time period within which the preauthorization is valid.

PAGE 5/12 * RCVD AT 7/12/2006 11:40:50 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/45 * DNIS:2738300 * CSID:+9549251101 * DURATION (mm-ss):02-40

BEST AVAILABLE COPY

Petitioner Askeladden LLC
Exhibit 1013 - Page 44 of 135

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-10 are now in the application. Claims 1 and 5 have been amended. Claims 8-10 have been added.

With regard to item 1 of the detailed action, the Examiner's acknowledgment of applicants' international (PCT) application is appreciated. The PCT application, however, is not a "continuation" as such, but it merely claims the priority of the instant application.

Paragraph [0025] of the specification has been amended to correct an obvious mistake. The acronym ATM stands for "automated teller machine."

Claim 1 has been clarified with regard to the communication between the merchant terminal and the authorization system, on the one hand, and between the customer and the authorization system, on the other hand. Support for the added language is found in Fig. 1, for example, where the secure network and the "payment guarantee" channel are illustrated between the acquirer 8 and the modem 5 of the merchant's terminal. The communications channel between the acquirer 6 and the customer's mobile device is illustrated to the left. The two communications channels are independent of one another, they are separate and distinct.

Claim 5 has been amended to specify in the preamble that the authorization request is sent from a terminal at the merchant's. The body of the claim, i.e., the

PAGE 6/12 * RCVD AT 7/12/2006 11:40:50 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/45 * DNIS:2738300 * CSID:+9549251101 * DURATION (mm-ss):02-40

BEST AVAILABLE COPY

Petitioner Askeladden LLC
Exhibit 1013 - Page 45 of 135

improvement portion, then sends a notification to a wireless that is associated with the customer.

Claim 8 has been added. There, the transaction system requests authorization from the customer's mobile device. The transaction request sent from the merchant's terminal includes a "first authorization request." The notification to the customer contains a "second authorization request." The transaction is only authorized – i.e., the first authorization request is granted – if a positive answer has been received in response to the second authorization request. In the context of claim 8, therefore, the customer profile is set to "authorization." See, for example, paragraphs [0018], [0025], and [0026] of the specification.

Claim 9 deals with the preauthorization option. Support for the new claim is found in paragraph [0020] of the specification. There, an example of a time-limited and amount-limited preauthorization is outlined. As the customer (or a representative of the account holder) is standing in line for a transaction, he calls ahead to preauthorize the impending transaction. **Claim 10** deals with the time and amount limits that may be selected with the preauthorization.

Claim Objections

Claim 5 is indeed a *Jepson*-type claim. These claims are also referred to as improvement claims. The preamble of a *Jepson* claim defines the prior art, and the body of the claim is directed to the novel aspect, i.e., to the improvement. The transitional phrase of the original *Jepson* claim (i.e., "the combination with") has been changed over the years. Typically, the transition now reads "wherein the

PAGE 7/12 * RCVD AT 7/12/2006 11:40:50 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/45 * DNIS:2738300 * CSID:+9549251101 * DURATION (mm-ss):02-40

BEST AVAILABLE COPY

Petitioner Askeladden LLC
Exhibit 1013 - Page 46 of 135

improvement comprises" or "the improvement which comprises." Applicants elected the latter option. It is believed that claim 5 is in proper format.

The question posed by the Examiner is answered in the affirmative. The preamble of the claim ("In a charge card payment . . . the charge request is processed") indeed is admitted to belong to the prior art (AAPA). There is described a typical charge card transaction, where a card is swiped and the transaction is remotely authorized by the charge system. The improvement – following the transitional phrase – resides in the transmission of the notification to the customer. The transmission is timed so as to be effected no later than immediately after the charge authorization has been sent to the merchant's. The time window for the notification opens when the merchant terminal transmits to the charge system and closes shortly after the charge system provides authorization to the merchant's.

The Examiner is respectfully requested to reconsider the claim objection. Should the claim still be considered objectionable after considering the above, counsel would appreciate a telephone call during which the issue may be resolved.

Claim Rejections – 35 U.S.C. § 102

We now turn to the art rejection. Claims 1-7 have been rejected as being anticipated by Kawan (US 6,442,532 B1) under 35 U.S.C. § 102. We respectfully traverse on the basis of the amended claims.

Kawan provides for portable ATMs and similar financial transaction devices. Kawan's underlying problem is that ATMs and the like are relatively inflexible in that they are

PAGE 8/12 * RCVD AT 7/12/2006 11:40:50 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/45 * DNIS:2738300 * CSID:+9549251101 * DURATION (mm-ss):02-40

BEST AVAILABLE COPY

Petitioner Askeladden LLC
Exhibit 1013 - Page 47 of 135

hardwired at fixed locations. The hard-wiring is necessary to provide power supply and for communications, which are typically effected through telephone lines. Kawan, col. 1, lines 35-44.

Kawan thus sees a need for more flexible ATMs that do not necessarily require the hard-wiring and that are able to communicate through wireless channels. Kawan explains:

> [T]here is a need to provide transaction and information terminals which can be conveniently repositioned by the operator as necessary to maximize availability and use of the financial services provided thereby. Further, there is a need for transaction and information terminals which do not need to be directly connected by lines to a telephone network or power source network.

Col. 1, line 65, to col. 2, line 4.

> In this system, a terminal is connected to the financial institution via a wireless or cellular telephone hook-up . . . so-called "smart cards" are utilized to verify authorization for transactions, thereby minimizing potential security problems which could otherwise result from use of a mobile terminal.
>
> In yet another embodiment of the invention, a cellular telephone, having a smart card reader incorporated therein, is utilized as a data terminal for various financial transactions.

Col. 2, lines 14-20, and lines 29-33.

As noted above, the independent claims of the application have been clarified with regard to the separate communications channels. The communication between the financial transaction system and the customer is separate (in terms of the physical channel and in terms of the content) from the communication between the financial transaction system and the merchant. The prior art reference Kawan does not utilize such separate communications.

PAGE 9/12 * RCVD AT 7/12/2006 11:40:50 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/45 * DNIS:2738300 * CSID:+9549251101 * DURATION (mm-ss):02-40

BEST AVAILABLE COPY

Petitioner Askeladden LLC
Exhibit 1013 - Page 48 of 135

It is true that Kawan may utilize a mobile terminal (with wireless communication) and he may even utilize a wireless telephone. In that case, however, the wireless telephone takes on the function of the "merchant terminal." Kawan explains:

> In FIG. 2C a cellular telephone 75 serves as a financial information and transaction terminal . . . . Additionally, a smart card reader portion 84 is provided. This additional feature provides the additional capability to perform financial transactions using the keypad 80 as an interface.

Col. 4, lines 7-15. The cellular telephone thus "replaces" the financial transaction terminal (e.g., ATM) in that embodiment. In no case is the cellular telephone integrated into the system in parallel with another transaction terminal (and with separate communications channels that may be operative simultaneously).

Instead, Kawan provides for the transaction functionality at whatever device his "smart card" is currently connected. The smart card is a memory card with hidden encryption and with data fields. Among other functions, the smart card may be "charged" with monetary value so as to become an electronic purse. The smart card of Kawan thus takes on the security and accounting features of a financial transaction terminal (e.g., ATM) and also "accepts" and "dispenses" cash in electronic form.

In summary, neither Kawan nor any other reference of recored, whether taken alone or in any combination, either shows or suggests the features of claims 1, 5, 8, or 9. These claims are, therefore, patentable over the art and since all of the dependent claims are ultimately dependent thereon, they are patentable as well.

PAGE 10/12 * RCVD AT 7/12/2006 11:40:50 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/45 * DNIS:2738300 * CSID:+9549251101 * DURATION (mm-ss):02-40

BEST AVAILABLE COPY

Petitioner Askeladden LLC
Exhibit 1013 - Page 49 of 135

RECEIVED
CENTRAL FAX CENTER

JUL 12 2006

In view of the foregoing, reconsideration and allowance of claims 1-10 are solicited.

Counsel's payment in the amount of $100.00 for the extra independent claim over three is enclosed. Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

Werner H. Stemer

WERNER H. STEMER
REG. NO. 34,956

WHS:sc

July 12, 2006

Lerner Greenberg Stemer LLP
P.O. Box 2480
Hollywood, Florida 33022-2480
Tel.: 954-925-1100
Fax: 954-925-1101

PAGE 11/12 * RCVD AT 7/12/2006 11:40:50 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/45 * DNIS:2738300 * CSID:+9549251101 * DURATION (mm-ss):02-40

BEST AVAILABLE COPY

PATENT APPLICATION FEE DETERMINATION RECORD
Effective December 8, 2004

11077783

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	7	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	7 minus 20=	*
INDEPENDENT CLAIMS	2 minus 3 =	*
MULTIPLE DEPENDENT CLAIM PRESENT	☐	

* If the difference in column 1 is less than zero, enter "0" in column 2

SMALL ENTITY TYPE ☐		OR	OTHER THAN SMALL ENTITY	
RATE	FEE		RATE	FEE
BASIC FEE	150.00	OR	BASIC FEE	300.00
X$ 25=		OR	X$50=	
X100=		OR	X200=	
+180=		OR	+360=	
TOTAL	150	OR	TOTAL	

CLAIMS AS AMENDED - PART II

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
AMENDMENT A	9/18/06				
	Total	* 16	Minus	** 20	=
	Independent	* 4	Minus	*** 3	= 1
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM	☐			

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 25=	6	OR	X$50=	
X100=	8	OR	X200=	
+180=		OR	+360=	
TOTAL ADDIT. FEE	14	OR	TOTAL ADDIT. FEE	

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
AMENDMENT B					
	Total	*	Minus	**	=
	Independent	*	Minus	***	=
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM	☐			

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 25=		OR	X$50=	
X100=		OR	X200=	
+180=		OR	+360=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
AMENDMENT C					
	Total	*	Minus	**	=
	Independent	*	Minus	***	=
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM	☐			

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 25=		OR	X$50=	
X100=		OR	X200=	
+180=		OR	+360=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. 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.

Petitioner Askeladden LLC
Exhibit 1013 - Page 51 of 135

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.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/077,783	03/11/2005	Gerry Calabrese	W-9001	8984

24131 7590 10/23/2006

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER	
KIM, AHSHIK	

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 10/23/2006

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

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)	
	11/077,783	CALABRESE ET AL.	
	Examiner	Art Unit	
	Ahshik Kim	2876	

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *7/12/06 (Amendment)*.

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

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

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

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

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

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

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

Application Papers

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

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

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

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

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

Priority under 35 U.S.C. § 119

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

a)☐ All b)☐ Some * c)☐ None of:

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

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

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

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

Attachment(s)

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

Petitioner Askeladden LLC
Exhibit 1013 - Page 53 of 135

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the amendment filed on July 12, 2006. Currently, claims 1-10 remain in the examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7, 9, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Woodward (US 7,024,396, hereinafter "Woodward").

Re claims 1, 4-7, 9, and 10, Woodward discloses a payment authorization method, which comprises: gathering at a merchant's – a POS terminal, account information for payment of a customer's purchase (col. 1, lines 14-27); transmitting an authorization request (col. 1, lines 41+); notifying the customer that the authorization request has been received by transmitting a notification to wireless device associated with the customer (see figure 2B and 2C); and processing the transaction for payment authorization (step 146 on figure 2C; col. 5, lines 10+).

Re claim 2, when the good is brought for purchase, the price is entered via POS terminal (col. 3, lines 59+).

Re claim 3, as shown in step 122 of the figure 2B, the customer is asked for confirming the transaction (col. 4, lines 26+).

Claim Rejections - 35 USC § 103

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

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

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woodward (US 7,024,396) in view of Kawan (US 6,442,532, previously cited, hereinafter "Kawan").

Woodward's teachings have been discussed above.

Woodward, however, fails to specifically teach or fairly suggest that the system allows use of a card whether the card is a credit card or a debit card.

Kawan, as disclosed in previous Office Action, teaches transaction system comprising a portable terminal further equipped with a card reader allowing the card to be used for purchase (or consummating transaction).

In view of Kawan's teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to employ notoriously well-known card reader into either consumer's portable terminal or merchant's POS terminal in order to accommodate the customer who wishes to use card as a means of payment for the transaction. Although Woodward was silent, it would be difficult to contemplate that Wooldward's system does not allow the use of some cards – credit, debit, or prepaid.

Response to Arguments

7. Applicant's amended claims and remarks filed on July 12, 2006 have been carefully reviewed and considered. However, Applicant's arguments with respect to the amended claims further limiting the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Steed et al. (US 2002/0107755) disclose transaction system comprising a wireless device. Applicant is respectfully suggested to carefully review these references.

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 6:00AM to 3:00 PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax phone number for this Group is (571)273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

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 application is available for Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have any questions or access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ahshik Kim
Primary Examiner
Art Unit 2876
October 11, 2006

Notice of References Cited	Application/Control No. 11/077,783	Applicant(s)/Patent Under Reexamination CALABRESE ET AL.	
	Examiner Ahshik Kim	Art Unit 2876	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-7,024,396	04-2006	Woodward, Sean	705/71
*	B	US-2002/0107755	08-2002	Steed et al.	705/26
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Petitioner Askeladden LLC
Exhibit 1013 - Page 59 of 135

Index of Claims

Application/Control No.	Applicant(s)/Patent under Reexamination
11/077,783	CALABRESE ET AL.
Examiner	**Art Unit**
Ahshik Kim	2876

√	Rejected	–	(Through numeral) Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claim		Date							
Final	Original	6/5/06	10/11/06						
	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								
	30								
	31								
	32								
	33								
	34								
	35								
	36								
	37								
	38								
	39								
	40								
	41								
	42								
	43								
	44								
	45								
	46								
	47								
	48								
	49								
	50								

Claim		Date							
Final	Original								
	51								
	52								
	53								
	54								
	55								
	56								
	57								
	58								
	59								
	60								
	61								
	62								
	63								
	64								
	65								
	66								
	67								
	68								
	69								
	70								
	71								
	72								
	73								
	74								
	75								
	76								
	77								
	78								
	79								
	80								
	81								
	82								
	83								
	84								
	85								
	86								
	87								
	88								
	89								
	90								
	91								
	92								
	93								
	94								
	95								
	96								
	97								
	98								
	99								
	100								

Claim		Date							
Final	Original								
	101								
	102								
	103								
	104								
	105								
	106								
	107								
	108								
	109								
	110								
	111								
	112								
	113								
	114								
	115								
	116								
	117								
	118								
	119								
	120								
	121								
	122								
	123								
	124								
	125								
	126								
	127								
	128								
	129								
	130								
	131								
	132								
	133								
	134								
	135								
	136								
	137								
	138								
	139								
	140								
	141								
	142								
	143								
	144								
	145								
	146								
	147								
	148								
	149								
	150								

Petitioner Askeladden LLC
Exhibit 1013 - Page 60 of 135

Search Notes

Application/Control No.	Applicant(s)/Patent under Reexamination	
11/077,783	CALABRESE ET AL.	
Examiner	**Art Unit**	
Ahshik Kim	2876	

SEARCHED

Class	Subclass	Date	Examiner
235	379	6/5/2006	AK
	380		
	383		

INTERFERENCE SEARCHED

Class	Subclass	Date	Examiner

SEARCH NOTES (INCLUDING SEARCH STRATEGY)

	DATE	EXMR
See attached EAST search history	6/5/2006	AK
Updated search	10/11/2006	AK

PTO/SB/30 (04-05)
Approved for use through 07/31/2006. 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

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

Application Number	11/077,783
Filing Date	March 11, 2005
First Named Inventor	Gerry Calabrese, et al.
Art Unit	2876
Examiner Name	Ahshik Kim
Attorney Docket Number	W-9001

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

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

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

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

      ii. [ ] Other _____

   b. [X] Enclosed

      i. [X] Amendment/Reply

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

      iii. [ ] Information Disclosure Statement (IDS)

      iv. [ ] Other _____

2. Miscellaneous

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

   b. [ ] Other _____

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

   a. [X] The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 12-1099. I have enclosed a duplicate copy of this sheet.

      i. [X] RCE fee required under 37 CFR 1.17(e)

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

      iii. [ ] Other _____

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

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

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

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	/Werner H. Stemer/	Date	December 27, 2006
Name (Print/Type)	Werner H. Stemer	Registration No.	34,956

CERTIFICATE OF MAILING OR TRANSMISSION

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

Signature			
Name (Print/Type)		Date	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

/bb

Electronic Patent Application Fee Transmittal	
Application Number:	11077783
Filing Date:	11-Mar-2005
Title of Invention:	Mobile phone charge card notification and authorization method
First Named Inventor/Applicant Name:	Gerry Calabrese
Filer:	Werner H. Stemer
Attorney Docket Number:	W-9001
Filed as Small Entity	

Utility Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
Request for continued examination	2801	1	395	395
		Total in USD ($)		**395**

Electronic Acknowledgement Receipt	
EFS ID:	1400651
Application Number:	11077783
International Application Number:	
Confirmation Number:	8984
Title of Invention:	Mobile phone charge card notification and authorization method
First Named Inventor/Applicant Name:	Gerry Calabrese
Customer Number:	24131
Filer:	Werner H. Stemer/Michelle Janca
Filer Authorized By:	Werner H. Stemer
Attorney Docket Number:	W-9001
Receipt Date:	27-DEC-2006
Filing Date:	11-MAR-2005
Time Stamp:	10:02:34
Application Type:	Utility

Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	$395
RAM confirmation Number	760
Deposit Account	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part /.zip	Pages (if appl.)

1		W-9001-amf.pdf	126364	yes	9

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Amendment After Final	1	1
Claims	2	4
Applicant Arguments/Remarks Made in an Amendment	5	9

Warnings:

Information:

2	Request for Continued Examination (RCE)	W9001RCE.pdf	345549	no	1

Warnings:

This is not a USPTO supplied RCE SB30 form.

Information:

3	Fee Worksheet (PTO-06)	fee-info.pdf	8163	no	2

Warnings:

Information:

Total Files Size (in bytes):	480076

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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applic. No.	:	11/077,783	Confirmation No: 8984
Applicant	:	Gerry Calabrese, et al.	
Filed	:	March 11, 2005	
Title	:	Mobile Phone Charge Card Notification and Authorization Method	
Art Unit	:	2876	
Examiner	:	Ahshik Kim	
Docket No.	:	W-9001	
Customer No.	:	24131	

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

AMENDMENT under 37 CFR § 1.116

S i r :

Responsive to the Office action dated June 12, 2006 kindly amend the above-identified application as follows:

- **Amendments to the Claims** are reflected in the listing of claims, which begins on page 2 of this paper.
- **Remarks/Arguments** begin on page 5 of this paper.

Petitioner Askeladden LLC
Exhibit 1013 - Page 67 of 135

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claim 1 (currently amended). A payment authorization method, which comprises:

gathering, at a merchant's, account information for payment of a customer's purchase;

transmitting an authorization request to a financial authorization system requesting payment authorization for the customer's purchase via a first transmission channel;

notifying the customer that the authorization request has been received by transmitting, via a second transmission channel independent of and separate from the first transmission channel between the merchant's and the financial institution, a notification to a ~~wireless~~ communications device associated with the customer; and

processing the transaction for payment authorization substantially without requiring a direct communications link between the communications device associated with the customer and the merchant's.

Claim 2 (original). The method according to claim 1, wherein the authorization request includes the account information and a monetary amount, and the notification to the wireless device includes the monetary amount.

Claim 3 (currently amended). The method according to claim 1, which further comprises prompting the customer to return a response to the notification directly to the financial authorization system and authorizing the purchase only when a proper response is returned.

Claim 4 (original). The method according to claim 1, wherein the response includes a personal identifier associated with the customer.

Petitioner Askeladden LLC
Exhibit 1013 - Page 68 of 135

Claim 5 (currently amended). In a charge card payment authorization method, wherein a charge is requested at a merchant's, account information for payment of a customer's purchase is acquired at the merchant's, an authorization request is transmitted from a terminal associated with the merchant's to a remote charge processing facility, and the charge request is processed, the improvement which comprises: processing the charge request substantially exclusively through communication between the merchant's and the remote processing facility, and transmitting a notification of the charge request to a wireless device associated with the customer no later than immediately after authorizing the charge request.

Claim 6 (original). The method according to claim 5, which comprises transmitting the notification immediately upon receiving the charge request and prior to authorizing the charge request.

Claim 7 (currently amended). The method according to claim 5, which comprises prompting for an authorization response from the wireless device associated with the customer to the remote processing facility and authorizing the charge request only upon receiving a valid authorization response.

Claim 8 (currently amended). A charge card processing method, which comprises:

inputting a transaction request to a stationary merchant terminal disposed at a merchant location;

processing the transaction request with the merchant terminal, including a transmission of a first authorization request to a remote processing facility and receipt of a notification that authorization has been accepted or declined;

transmitting a second authorization request from a remote processing facility to a mobile communications device of a customer associated with the requested transaction via a wireless link; and

authorizing the requested transaction only if authorization has been accepted for the first authorization request and a proper response has been received by the remote processing facility to the second authorization request.

Petitioner Askeladden LLC
Exhibit 1013 - Page 69 of 135

Claim 9 (currently amended). A charge processing method, which comprises:

preauthorizing an imminent transaction by transmitting a preauthorization from a customer to a financial authorization system;

subsequently inputting a transaction request at a merchant terminal disposed at a merchant location;

processing the transaction request at the merchant terminal, including a transmission of an authorization request for the transaction to the financial authorization system;

transmitting a response to the authorization request from the financial authorization system to the merchant terminal, and thereby authorizing the transaction request at the merchant's if the preauthorization from the customer is available in the financial authorization system, and otherwise contacting the customer for authorization or declining the authorization request.

Claim 10 (previously presented). The method according to claim 9, wherein the preauthorization from the customer includes a maximum amount to be authorized for the transaction and a time period within which the preauthorization is valid.

Petitioner Askeladden LLC
Exhibit 1013 - Page 70 of 135

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-10 remain in the application. Claims 1, 3, 5, 7, 8, and 9 have been amended.

The independent claims have once more been clarified. Each of the independent claims now require the two-channel communication, namely, the communication between the merchant and the authorization system on the one hand and the communication between the authorization system and the customer on the other hand. There is no link established between the customer's communication device and the merchant terminal. The communication during the authorization process is only vertical. It does not require a horizontal component.

Claim 3 has been clarified as well. The authorization is submitted to the authorization system directly. The system, in turn, communicates with the merchant.

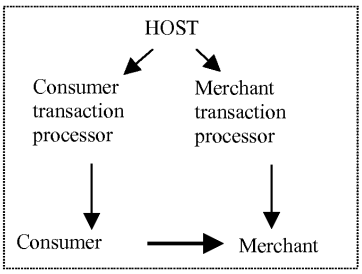
Similarly, claim 7 has been clarified to state that the customer provides for the authorization directly to the remote processing facility. Again, this excludes the requirement where the customer submits the authorization directly to the merchant.

Claim Rejections – 35 U.S.C. § 102

We now turn to the art rejection. Claims 1-7 and 9-10 have been rejected as being anticipated by Woodward (US 7,024,396 B2) under 35 U.S.C. § 102. We respectfully traverse on the basis of the amended claims.

Petitioner Askeladden LLC
Exhibit 1013 - Page 71 of 135

Woodward indeed utilizes two communications channels. First, the merchant transmits an authorization request to a host. The host then provides a merchant authorization key and a consumer authorization key. The two keys form a pair. The keys are matched up after the consumer authorization key is sent to the consumer's wireless device. From there, the consumer transmits the key to the merchant's POS terminal. That is, Woodward utilizes three-way communication with two vertical branches and a horizontal branch.



The difference between the claimed invention and the prior art system is best explained by way of a simple transaction diagram which corresponds to a great deal with Woodward's Fig. 1. The two keys are split up by the host and sent separately to the two parties of the POS transaction. In order for the keys to once more come together, it is necessary for the consumer to transmit the consumer authorization key directly to the merchant (e.g., by way of a Bluetooth connection). There, the consumer key is matched to the merchant authorization key and the transaction is considered authorized. The Woodward system requires the "horizontal" component.

This, of course, is different from the claimed invention. Here, we do not have such a horizontal communications component. The authorization process is entirely vertical. A communication where the customer receives a key and subsequently provides that key to the merchant is not required. The invention utilizes an exclusively vertical authorization system.

Petitioner Askeladden LLC
Exhibit 1013 - Page 72 of 135

It is believed that the claims define over the reference Woodward. Should the Examiner disagree, counsel would appreciate a telephone call during which the matter may be resolved.

The rejection of claims 9 and 10 is, respectfully, not understood. We deal here with a "pre-authorization" system. The consumer who is about to enter into a POS transaction (i.e., make a purchase) sends a preauthorization to the host system. If the merchant sends an authorization request within a given period of time (and the amount lies within the preauthorized range), the system can provide authorization directly and without additional communication. There is nothing in Woodward that would suggest such a communication sequence. In fact, Woodward's merchant first requests from the host that a key pair be issued. Then the pair is separated and sent to the consumer and the merchant, respectively. The pair is matched up at the merchant terminal only after the consumer key is sent through the Bluethooth connection from the consumer's wireless to the merchant's POS terminal.

Claim 9 has, nevertheless, been amended to allow for an alternative solution in the case that the authorization does not lead to a positive result. It may happen, for example, that the time window authorized by the system or the consumer has expired (i.e., the line at the register was too long) or the maximum authorized amount has been exceeded. In that case, it would probably not be very convenient for the transaction to be denied. Instead, additional or alternative authorization may be initiated. This additional safeguard has now been added in claim 9.

Petitioner Askeladden LLC
Exhibit 1013 - Page 73 of 135

Claims 9 and 10 are patentable over the teaching of Woodward.

Claim Rejection – 35 U.S.C. § 103

The rejection of claim 8 as being obvious over Woodward in view of Kawan has been overcome by the amendment as well. The first authorization request of the claimed invention is sent from the merchant terminal to the remote processing facility. The latter sends a second authorization request to the customer. Only after a proper response to the second authorization request has been received by the remote processing facility is the authorization given.

In Woodward's case, the merchant's terminal receives one key of the authorization directly from the host system and the other key directly from the consumer. Once the two keys are brought together at the merchant's terminal, authorization is complete. There is no reason to further involve the host system. Also, the consumer does not respond to an authorization request. In fact, the transmission from the host system to the consumer is not a request, but instead a response (i.e., it contains the response key which the consumer will transmit to the merchant terminal).

Kawan does not make up for the shortcoming of the primary reference. The teaching of the secondary reference is acknowledged. As discussed in our prior response, Kawan deals with portable ATMs and similar financial transaction devices and also provides for wireless communication. The reference does not provide for the claimed "vertical" authorization sequence which is lacking from Woodward. Kawan's teaching, if used to modify the primary reference, does not lead to the claimed invention of claim 8.

Petitioner Askeladden LLC
Exhibit 1013 - Page 74 of 135

The further reference to Steed et al. (“electronic wallet”) has been carefully reviewed as well. No possible modification of the primary teachings would lead to the claimed invention. In summary, neither Woodward, whether taken alone or in any combination with the other references, either shows or suggests the features of claims 1, 5, 8, or 9. These claims are, therefore, patentable over the art and since all of the dependent claims are ultimately dependent thereon, they are patentable as well. Reconsideration and the allowance of claims 1-10 are solicited.

/Werner H. Stemer/

Werner H. Stemer
Reg. No. 34,956

WHS:sc - December 27, 2006
Lerner Greenberg Stemer LLP
P.O. Box 2480
Hollywood, Florida 33022-2480
Tel.: 954·925·1100
Fax: 954·925·1101

Petitioner Askeladden LLC
Exhibit 1013 - Page 75 of 135

PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/077,783	Filing Date 03/11/2005	☐ To be Mailed

APPLICATION AS FILED – PART I

	(Column 1)	(Column 2)	SMALL ENTITY ☒		OR	OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE ($)	FEE ($)		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II

		(Column 1)		(Column 2)	(Column 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
	12/27/2006	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
AMENDMENT	Total (37 CFR 1.16(i))	* 10	Minus	** 20	= 0	X $25 =	0	OR	X $ =	
	Independent (37 CFR 1.16(h))	* 4	Minus	***4	= 0	X $100 =	0	OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

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

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
Brenda Webb

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

TH

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/077,783	03/11/2005	Gerry Calabrese	W-9001	8984

24131 7590 03/13/2007
LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER	
KIM, AHSHIK	
ART UNIT	PAPER NUMBER
2876	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/13/2007	PAPER

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

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	11/077,783	CALABRESE ET AL.	
	Examiner	Art Unit	
	Ahshik Kim	2876	

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *12/27/06(RCE)*.

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

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

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

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

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

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

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

Application Papers

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

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

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

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

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

Priority under 35 U.S.C. § 119

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

a)☐ All b)☐ Some * c)☐ None of:

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

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

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

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

Attachment(s)

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

Petitioner Askeladden LLC
Exhibit 1013 - Page 78 of 135

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 27, 2006 has been entered.

Amendment

2. Receipt is acknowledged of the amendment filed on December 27, 2006. Currently, claims 1-10 remain in the examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Nobrega et al. (US 2002/0107791, hereinafter "Nobrega").

Re claims 1, 5, and 6, Nobrega discloses a payment authorization system and the method (see abstract; paragraph 0008 thereafter) comprising: gathering, at a merchant's POS terminal

(see abstract) account information for payment of a customer's purchases; transmitting an authorization request - where the acquirer 4 sends the transaction request to the commerce platform 2 (see figure 1; paragraph 0022); the commerce platform transmitting the transaction request to the customer's wireless device 1 via wireless network 21 where some transactions require the customer to enter PIN (see paragraph 0022). As shown in figure 1, there's no direct communication between the customer device 1 and the merchant's POS 5.

Re claim 2, the information forwarded to the acquirer from the merchant's POS includes an amount (see paragraphs 0034 and 0051).

Re claims 3, 4, and 7, in anther embodiment, a user may be required to type in PIN on the wireless device 1 (see paragraph 0037).

Re claim 8, still relying on figure 1, it is the Examiner's view that the merchant's request for transaction should be first acceptable to the Acquirer 4, which is an acknowledgment that the authorization for transaction is accepted. Requesting of users to enter a PIN is a second authorization request.

5. Claims 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Connell (US 2002/0035539, hereinafter "O'Connell").

O'Connell discloses a system and method for payment transactions (see abstract, paragraph 0009 thereafter) which allows a preauthorization of transaction for a period of time and within the transaction limit (see paragraph 0015). The user can set the preauthorization information via mobile telephone. Even with pre-authorized transaction, a further verification may be required to approve or reject the transaction (see paragraphs 00771 and 0080).

Conclusion

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Wells et al. (US 7,181,432); Walker et al. (US 6,754,636) disclose system and the method for payment transactions. Applicant is respectfully suggested to carefully review these references.

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 8:00 AM to 5:00 PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax phone number for this Group is (571)273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

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 application is available for Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have any questions or access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ahshik Kim
Primary Examiner
Art Unit 2876
March 7, 2007

Notice of References Cited	Application/Control No. 11/077,783	Applicant(s)/Patent Under Reexamination CALABRESE ET AL.	
	Examiner Ahshik Kim	Art Unit 2876	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2002/0035539	03-2002	O'Connell, Richard	705/39
*	B	US-2002/0107791	08-2002	Nobrega et al.	705/39
*	C	US-7,181,432	02-2007	Wells et al.	705/64
*	D	US-6,754,636	06-2004	Walker et al.	705/26
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Petitioner Askeladden LLC
Exhibit 1013 - Page 82 of 135

Index of Claims

Application/Control No.	Applicant(s)/Patent under Reexamination
11/077,783	CALABRESE ET AL.
Examiner	**Art Unit**
Ahshik Kim	2876

√	Rejected	–	(Through numeral) Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claim		Date							
Final	Original	6/5/06		10/11/06		3/7/07			
	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								
	30								
	31								
	32								
	33								
	34								
	35								
	36								
	37								
	38								
	39								
	40								
	41								
	42								
	43								
	44								
	45								
	46								
	47								
	48								
	49								
	50								

Claim		Date							
Final	Original								
	51								
	52								
	53								
	54								
	55								
	56								
	57								
	58								
	59								
	60								
	61								
	62								
	63								
	64								
	65								
	66								
	67								
	68								
	69								
	70								
	71								
	72								
	73								
	74								
	75								
	76								
	77								
	78								
	79								
	80								
	81								
	82								
	83								
	84								
	85								
	86								
	87								
	88								
	89								
	90								
	91								
	92								
	93								
	94								
	95								
	96								
	97								
	98								
	99								
	100								

Claim		Date							
Final	Original								
	101								
	102								
	103								
	104								
	105								
	106								
	107								
	108								
	109								
	110								
	111								
	112								
	113								
	114								
	115								
	116								
	117								
	118								
	119								
	120								
	121								
	122								
	123								
	124								
	125								
	126								
	127								
	128								
	129								
	130								
	131								
	132								
	133								
	134								
	135								
	136								
	137								
	138								
	139								
	140								
	141								
	142								
	143								
	144								
	145								
	146								
	147								
	148								
	149								
	150								

Search Notes

Application/Control No.	Applicant(s)/Patent under Reexamination	
11/077,783	CALABRESE ET AL.	
Examiner	**Art Unit**	
Ahshik Kim	2876	

SEARCHED			
Class	Subclass	Date	Examiner
235	379	6/5/2006	AK
	380		
	383		

INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR
See attached EAST search history	6/5/2006	AK
Updated search	10/11/2006	AK
Updated Search	3/7/2007	AK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applic. No.	:	11/077,783	Confirmation No: 8984
Applicant	:	Gerry Calabrese, et al.	
Filed	:	March 11, 2005	
Title	:	Mobile Phone Charge Card Notification and Authorization Method	
Art Unit	:	2876	
Examiner	:	Ahshik Kim	
Docket No.	:	W-9001	
Customer No.	:	24131	

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

A M E N D M E N T

S i r :

Responsive to the Office action dated March 13, 2007 kindly amend the above-identified application as follows:

- **Amendments to the Claims** are reflected in the listing of claims, which begins on page 2 of this paper.
- **Remarks/Arguments** begin on page 4 of this paper.

Petitioner Askeladden LLC
Exhibit 1013 - Page 85 of 135

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claim 1 (currently amended). A payment authorization method, which comprises:

gathering, at a merchant's, account information for payment of a customer's purchase;

transmitting an authorization request to a financial authorization system requesting payment authorization for the customer's purchase via a first transmission channel;

notifying the customer that the authorization request has been received by transmitting, via a second transmission channel independent of and separate from the first transmission channel between the merchant's and the financial institution, a notification to a communications device associated with the customer; and

processing the transaction for payment authorization substantially without requiring a direct communications link between the communications device associated with the customer and the merchant's and substantially without requiring a response to the notification from the communications device associated with the customer.

Claim 2 (original). The method according to claim 1, wherein the authorization request includes the account information and a monetary amount, and the notification to the wireless device includes the monetary amount.

Claim 3 – 4 (canceled).

Claim 5 (currently amended). In a charge card payment authorization method, wherein a charge is requested at a merchant's, account information for payment of a customer's purchase is acquired at the merchant's, an authorization request is

Petitioner Askeladden LLC
Exhibit 1013 - Page 86 of 135

transmitted from a terminal associated with the merchant's to a remote charge processing facility, and the charge request is processed, the improvement which comprises: processing the charge request substantially exclusively through communication between the merchant's and the remote processing facility and substantially without requiring activity on the part of the customer, and transmitting a notification of the charge request to a wireless device associated with the customer no later than immediately after authorizing the charge request.

Claim 6 (original). The method according to claim 5, which comprises transmitting the notification immediately upon receiving the charge request and prior to authorizing the charge request.

Claim 7 (canceled).
Claim 8 (canceled).

Claim 9 (currently amended). A charge processing method, which comprises:

preauthorizing an imminent given transaction by transmitting a preauthorization for the imminent given transaction from a customer to a financial authorization system;

subsequently inputting a transaction request concerning the given transaction at a merchant terminal disposed at a merchant location;

processing the transaction request at the merchant terminal, including a transmission of an authorization request for the given transaction to the financial authorization system;

transmitting a response to the authorization request from the financial authorization system to the merchant terminal, and thereby authorizing the given transaction request at the merchant's if the preauthorization from the customer is available in the financial authorization system, and otherwise contacting the customer for authorization or declining the authorization request.

Claim 10 (currently amended). The method according to claim 9, wherein the preauthorization from the customer includes a maximum amount to be authorized for the given transaction and a time period within which the preauthorization is valid.

Petitioner Askeladden LLC
Exhibit 1013 - Page 88 of 135

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-2, 5-6, and 9-10 remain in the application. Claims 1, 5, and 9-10 have been amended. Claims 3-4 and 7-8 have been canceled.

The independent claims 1 and 5 have once more been clarified. Prior to the amendment, these claims covered two embodiments of the invention, namely:

(1) The authorization is performed according to a conventional process, where the charge card information is acquired, the authorization is effected between the merchant's and the charge card authorization system, and the customer is merely notified of the transaction. The customer does not become involved in the authorization.

(2) The authorization is performed in a two-step process, namely, the conventional authorization is performed and the customer is prompted for confirmation (e.g., PIN, password, etc.) before the transaction is completed.

Claims 1 and 5 have now been amended to limit the claimed process to only the first embodiment, namely, the transaction without customer activity. The second embodiment is no longer covered by claims 1 and 5. Support may be found, for example, in Fig. 2, where the "Notify Only" option appears in the center branch of the flowchart.

Petitioner Askeladden LLC
Exhibit 1013 - Page 89 of 135

Claims 3-4 and 7-8 were directed to the second embodiment and, accordingly, these claims have been canceled.

Claim Rejections – 35 U.S.C. § 102

We now turn to the art rejection. Claims 1-8 have been rejected as being anticipated by the newly cited reference Nobrega et al. (US 2002/0107791 A1, hereinafter "Nobrega") under 35 U.S.C. § 102. We respectfully traverse on the basis of the amended claims 1 and 5.

Nobrega appears to anticipate the second embodiment of the previously claimed invention. As such, the rejection is appreciated and the claims have been amended to distinguish over the reference. Nobrega requires a response from the customer's wireless device. Otherwise, the authorization would fail. As a first step in the transaction process, Nobrega's system notifies a so-called commerce platform (CP), which verifies the identity of the user. The user identity verification is described by Nobrega in paragraphs [0034] and [0035]. First, the reference describes a conventional charge card authorization process, in which the merchant and the acquirer communicate substantially without the involvement of the customer. Then Nobrega juxtaposes his invention:

> In contrast, a credit card transaction in accordance with the present invention uses independent actions of both the consumer (using a wireless device) and the merchant (normally using a POS terminal). That is, the merchant and the consumer independently initiate, verify and approve transaction. Whereas previously the merchant would be in complete control of the transaction once the consumer had communicated the credit card information, the consumer is now involved in the initiation and approval of the transaction.

Nobrega, para. [0035]. That is, the reference necessarily requires the involvement of the customer (i.e., consumer) in the charge card authorization process.

In contrast, claim 1 calls for the transaction to be completed "substantially without requiring a response" from the customer's communications device, and claim 5 calls for the processing "substantially without requiring activity by the customer."

Nobrega, therefore, does not anticipate the invention defined in claims 1 and 5, as amended. Nobrega also does not suggest the claimed invention because, if anything, the reference teaches away from the claims. The prior art teaching requires an active response from the customer (e.g., entering a PIN or a password, etc.) and modifying the reference teaching towards claims 1 and/or 5 would necessarily destroy the central and essential teaching of Nobrega.

It is believed that the claims define over the reference Nobrega. Should the Examiner disagree, counsel would appreciate a telephone call during which the matter may be discussed.

The rejection of claims 9 and 10 as being anticipated by O'Connell is purely coincidental. The reference O'Connell does not indeed anticipate the invention of the "preauthorization" system. The customer of the claimed invention who is about to enter into a POS transaction (i.e., make a purchase) sends a preauthorization to the host system. If the merchant sends an authorization request within a given period of time (and the amount lies within the preauthorized range), the system can provide authorization directly and without additional communication.

Petitioner Askeladden LLC
Exhibit 1013 - Page 91 of 135

The preauthorization deals with a given transaction which is imminent. O'Connell does not deal with authorization for imminent transactions and certainly not with individual transactions.

Claims 9 and 10 have been amended to further emphasize the fact that the imminent transaction is an individual transaction. The "given" transaction is the same transaction that weaves throughout the claims. Claims 9 and 10 do not deal with a general authorization wherein a given person is authorized to effect business transactions with a certain charge card. Instead, the claims deal with a specific authorization wherein a given transaction is authorized. The transaction that is preauthorized (in the "preauthorizing" step) is the same transaction that is subsequently input at the merchant terminal (in the "inputting" step) and it is the same transaction that is processed (in the "processing" step).

The general authorization provided by O'Connell does not deal with a given transaction that is specifically authorized. Instead, O'Connell deals with an authorization for a given user of a charge card for many transactions.

Claims 9 and 10 are patentable over the teaching of O'Connell.

Reconsideration of the rejection and the allowance of claims 1-2, 5-6, and 9-10 are solicited.

Petition for extension is herewith made. The extension fee for one month in the amount of $ 60.00 is being submitted herewith.

Respectfully submitted,

/Werner H. Stemer/

Werner H. Stemer
Reg. No. 34,956

WHS:sc - July 13, 2007
Lerner Greenberg Stemer LLP
P.O. Box 2480
Hollywood, Florida 33022-2480
Tel.: 954·925·1100
Fax: 954·925·1101

Electronic Patent Application Fee Transmittal

Application Number:	11077783
Filing Date:	11-Mar-2005
Title of Invention:	Mobile phone charge card notification and authorization method
First Named Inventor/Applicant Name:	Gerry Calabrese
Filer:	Werner H. Stemer
Attorney Docket Number:	W-9001
Filed as Small Entity	

Utility Filing Fees

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:				
Extension - 1 month with $0 paid	2251	1	60	60

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
		Total in USD ($)		**60**

Electronic Acknowledgement Receipt	
EFS ID:	1971550
Application Number:	11077783
International Application Number:	
Confirmation Number:	8984
Title of Invention:	Mobile phone charge card notification and authorization method
First Named Inventor/Applicant Name:	Gerry Calabrese
Customer Number:	24131
Filer:	Werner H. Stemer
Filer Authorized By:	
Attorney Docket Number:	W-9001
Receipt Date:	13-JUL-2007
Filing Date:	11-MAR-2005
Time Stamp:	16:56:52
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	$60
RAM confirmation Number	1646
Deposit Account	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)

1		W-9001-am3.pdf	109969 d00ecf95d51944b64c17ed9f94390bd2c33b8a40	yes	9

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Amendment - After Non-Final Rejection	1	1
Claims	2	4
Applicant Arguments/Remarks Made in an Amendment	5	9

Warnings:

Information:

2	Fee Worksheet (PTO-06)	fee-info.pdf	8141 7607ca7a827682f2d39c77eaca04a88979db1b99	no	2

Warnings:

Information:

Total Files Size (in bytes):	118110

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.

PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/077,783	Filing Date 03/11/2005	☐ To be Mailed

APPLICATION AS FILED – PART I

	(Column 1)	(Column 2)	SMALL ENTITY ☒		OR	OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE ($)	FEE ($)		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 = *		X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 = *		X $ =			X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT 12/27/2006	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 10	Minus	** 20	= 0	X $25 =	0	OR	X $ =	
Independent (37 CFR 1.16(h))	* 4	Minus	*** 4	= 0	X $100 =	0	OR	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

AMENDMENT 7-1307	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)	OR	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 6	Minus	** 20	=	X $ =		OR	X $ =	
Independent (37 CFR 1.16(h))	* 2	Minus	*** 4	=	X $ =		OR	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

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

Legal Instrument Examiner:
Brenda Webb

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

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/077,783	03/11/2005	Gerry Calabrese	W-9001	8984

24131 7590 10/05/2007
LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER	
KIM, AHSHIK	
ART UNIT	**PAPER NUMBER**
2876	

MAIL DATE	DELIVERY MODE
10/05/2007	PAPER

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

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

Petitioner Askeladden LLC
Exhibit 1013 - Page 99 of 135

Office Action Summary	Application No.	Applicant(s)	
	11/077,783	CALABRESE ET AL.	
	Examiner	Art Unit	
	Ahshik Kim	2876	

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *7/13/07 (Amendment)*.

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

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

Disposition of Claims

4)☒ Claim(s) *1,2,5,6,9 and 10* is/are pending in the application.

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

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9 and 10* is/are rejected.

7)☒ Claim(s) *1,2,5 and 6* is/are objected to.

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

Application Papers

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

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

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

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

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

Priority under 35 U.S.C. § 119

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

a)☐ All b)☐ Some * c)☐ None of:

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

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

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

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

Attachment(s)

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

Petitioner Askeladden LLC
Exhibit 1013 - Page 100 of 135

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the amendment filed on July 13, 2007. Currently, claims 1, 2, 5, 6, 9, and 10 remain in the examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Connell (US 2002/0035539, hereinafter "O'Connell").

O'Connell discloses a system and method for payment transactions (see abstract, paragraph 0009 thereafter) which allows a preauthorization of transaction for a period of time and within the transaction limit (see paragraph 0015). The user can set the preauthorization information via mobile telephone. Even with pre-authorized transaction, a further verification may be required to approve or reject the transaction (see paragraphs 00771 and 0080).

Allowable Subject Matter

4. Claims 1, 2, 5, and 6 are allowed.

Response to Arguments

5. Applicant's arguments filed on July 13, 2007 have been carefully reviewed and considered. Upon the review, claims 1, 2, 5, and 6 were disposed to be allowable.

Examiner also notes Applicant's amended claims 9, and 10, and provided supporting arguments on these claims. However, they are not sufficient to overcome the O'Connell reference. O'Connell's preauthorization is for a "given" transaction. Applicant's use of "given" and "imminent" in the claim would not differentiate "a transaction" as recited in the O'Connell reference. Therefore, the Examiner has made this Office Action final.

This Office Action is made **final**.

Conclusion

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

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The

examiner can normally be reached between the hours of 8:00 AM to 5:00 PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax phone number for this Group is (571)273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

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 application is available for Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have any questions or access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ahshik Kim
Primary Examiner
Art Unit 2876
September 20, 2007

Index of Claims

Application/Control No.	Applicant(s)/Patent under Reexamination
11/077,783	CALABRESE ET AL.
Examiner	**Art Unit**
Ahshik Kim	2876

√	Rejected	–	(Through numeral) Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claim		Date							
Final	Original	6/5/06		10/11/06		3/7/07		9/20/07	
	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								
	30								
	31								
	32								
	33								
	34								
	35								
	36								
	37								
	38								
	39								
	40								
	41								
	42								
	43								
	44								
	45								
	46								
	47								
	48								
	49								
	50								

Claim		Date							
Final	Original								
	51								
	52								
	53								
	54								
	55								
	56								
	57								
	58								
	59								
	60								
	61								
	62								
	63								
	64								
	65								
	66								
	67								
	68								
	69								
	70								
	71								
	72								
	73								
	74								
	75								
	76								
	77								
	78								
	79								
	80								
	81								
	82								
	83								
	84								
	85								
	86								
	87								
	88								
	89								
	90								
	91								
	92								
	93								
	94								
	95								
	96								
	97								
	98								
	99								
	100								

Claim		Date							
Final	Original								
	101								
	102								
	103								
	104								
	105								
	106								
	107								
	108								
	109								
	110								
	111								
	112								
	113								
	114								
	115								
	116								
	117								
	118								
	119								
	120								
	121								
	122								
	123								
	124								
	125								
	126								
	127								
	128								
	129								
	130								
	131								
	132								
	133								
	134								
	135								
	136								
	137								
	138								
	139								
	140								
	141								
	142								
	143								
	144								
	145								
	146								
	147								
	148								
	149								
	150								

Petitioner Askeladden LLC
Exhibit 1013 - Page 104 of 135

Search Notes

Application/Control No.	Applicant(s)/Patent under Reexamination	
11/077,783	CALABRESE ET AL.	
Examiner	**Art Unit**	
Ahshik Kim	2876	

SEARCHED			
Class	Subclass	Date	Examiner
235	379	6/5/2006	AK
	380		
	383		

INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR
See attached EAST search history	6/5/2006	AK
Updated search	10/11/2006	AK
Updated Search	3/7/2007	AK
Updated Search	9/20/2007	AK

Petitioner Askeladden LLC
Exhibit 1013 - Page 105 of 135

BOX AF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applic. No.	:	11/077,783	Confirmation No: 8984
Applicant	:	Gerry Calabrese, et al.	
Filed	:	March 11, 2005	
Title	:	Mobile Phone Charge Card Notification and Authorization Method	
Art Unit	:	2876	
Examiner	:	Ahshik Kim	
Docket No.	:	W-9001	
Customer No.	:	24131	

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

A M E N D M E N T under 37 CFR § 1.116

S i r :

Responsive to the final Office action dated October 5, 2007 kindly amend the above-identified application as follows:

- **Amendments to the Claims** are reflected in the listing of claims, which begins on page 2 of this paper.
- **Remarks/Arguments** begin on page 4 of this paper.

Petitioner Askeladden LLC
Exhibit 1013 - Page 106 of 135

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claim 1 (previously presented). A payment authorization method, which comprises:

gathering, at a merchant's, account information for payment of a customer's purchase;

transmitting an authorization request to a financial authorization system requesting payment authorization for the customer's purchase via a first transmission channel;

notifying the customer that the authorization request has been received by transmitting, via a second transmission channel independent of and separate from the first transmission channel between the merchant's and the financial institution, a notification to a communications device associated with the customer; and

processing the transaction for payment authorization substantially without requiring a direct communications link between the communications device associated with the customer and the merchant's and substantially without requiring a response to the notification from the communications device associated with the customer.

Claim 2 (currently amended). The method according to claim 1, wherein the authorization request includes the account information and a monetary amount, and the notification to the ~~wireless device~~ communications device associated with the customer includes the monetary amount.

Claim 3 – 4 (canceled).

Claim 5 (previously presented). In a charge card payment authorization method, wherein a charge is requested at a merchant's, account information for payment of a

Petitioner Askeladden LLC
Exhibit 1013 - Page 107 of 135

customer's purchase is acquired at the merchant's, an authorization request is transmitted from a terminal associated with the merchant's to a remote charge processing facility, and the charge request is processed, the improvement which comprises: processing the charge request substantially exclusively through communication between the merchant's and the remote processing facility and substantially without requiring activity on the part of the customer, and transmitting a notification of the charge request to a wireless device associated with the customer no later than immediately after authorizing the charge request.

Claim 6 (original). The method according to claim 5, which comprises transmitting the notification immediately upon receiving the charge request and prior to authorizing the charge request.

Claim 7 – 10 (canceled).

Petitioner Askeladden LLC
Exhibit 1013 - Page 108 of 135

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-2 and 5-6 remain in the application. Claims 9-10 have been canceled and applicants are currently considering furthering the subject matter of the canceled claims in a divisional application.

In light of the cancellation of claims 9 and 10 and in light of the allowance of the remaining claims, the application is now in condition for allowance. A Notice of Allowance is requested.

Respectfully submitted,

/Werner H. Stemer/

Werner H. Stemer
Reg. No. 34,956

WHS:sc - October 30, 2007
Lerner Greenberg Stemer LLP
P.O. Box 2480
Hollywood, Florida 33022-2480
Tel.: 954·925·1100
Fax: 954·925·1101

Electronic Acknowledgement Receipt	
EFS ID:	2392243
Application Number:	11077783
International Application Number:	
Confirmation Number:	8984
Title of Invention:	Mobile phone charge card notification and authorization method
First Named Inventor/Applicant Name:	Gerry Calabrese
Customer Number:	24131
Filer:	Werner H. Stemer
Filer Authorized By:	
Attorney Docket Number:	W-9001
Receipt Date:	30-OCT-2007
Filing Date:	11-MAR-2005
Time Stamp:	13:42:58
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1		W-9001-am4.pdf	99991 9a23f2ed6efdeec6d51df1cdc49d753784ae24af	yes	4

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment After Final	1	1
	Claims	2	3
	Applicant Arguments/Remarks Made in an Amendment	4	4
Warnings:			
Information:			
	Total Files Size (in bytes):	99991	

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.

PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD
Substitute for Form PTO-875

Application or Docket Number	Filing Date	☐ To be Mailed
11/077,783	03/11/2005	

APPLICATION AS FILED – PART I

	(Column 1)	(Column 2)	SMALL ENTITY ☒		OR	OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE ($)	FEE ($)		RATE ($)	FEE ($)
☒ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	150		N/A	
☒ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	250		N/A	
☒ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	100		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	10 minus 20 =	* 0	X $25 =	0	OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	4 minus 3 =	* 1	X $100 =	100		X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	600		TOTAL	

APPLICATION AS AMENDED – PART II

		(Column 1)		(Column 2)	(Column 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
	10/30/2007	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
AMENDMENT	Total (37 CFR 1.16(i))	* 4	Minus	** 20	= 0	X $25 =	0	OR	X $ =	
	Independent (37 CFR 1.16(h))	* 2	Minus	***4	= 0	X $105 =	0	OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

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

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

Legal Instrument Examiner:
Terrance Lawrence

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

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

NOTICE OF ALLOWANCE AND FEE(S) DUE

24131 7590 11/30/2007

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER	
KIM, AHSHIK	
ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 11/30/2007

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/077,783	03/11/2005	Gerry Calabrese	W-9001	8984

TITLE OF INVENTION: MOBILE PHONE CHARGE CARD NOTIFICATION AND AUTHORIZATION METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$720	$300	$0	$1020	02/29/2008

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 SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

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.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

Petitioner Askeladden LLC
Exhibit 1013 - Page 113 of 135

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)

24131 7590 11/30/2007

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

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.
11/077,783	03/11/2005	Gerry Calabrese	W-9001	8984

TITLE OF INVENTION: MOBILE PHONE CHARGE CARD NOTIFICATION AND AUTHORIZATION METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$720	$300	$0	$1020	02/29/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
KIM, AHSHIK	2876	235-380000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
1 _____
2 _____
3 _____

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

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

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

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

4a. The following fee(s) are submitted:
☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information 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.

Petitioner Askeladden LLC
Exhibit 1013 - Page 114 of 135

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.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/077,783	03/11/2005	Gerry Calabrese	W-9001	8984

24131 7590 11/30/2007

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER	
KIM, AHSHIK	
ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 11/30/2007

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

The Patent Term Adjustment to date is 2 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 2 day(s).

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 Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

Petitioner Askeladden LLC
Exhibit 1013 - Page 115 of 135

Notice of Allowability	Application No.	Applicant(s)	
	11/077,783	CALABRESE ET AL.	
	Examiner	Art Unit	
	Ahshik Kim	2876	

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

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

1. ☒ This communication is responsive to *amendment (after final) filed on 10/30/07*.

2. ☒ The allowed claim(s) is/are *1,2,5 and 6*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of 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.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Ahshik Kim
Primary Examiner
AU 2876

Petitioner Askeladden LLC
Exhibit 1013 - Page 116 of 135

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the amendment (after final) filed on October 30, 2007. Currently, claims 1, 2, 5, and 6 remain in the examination.

Allowable Subject Matter

2. Claims 1, 2, 5, and 6are allowed.

3. The following is the Examiner's statement of reasons for allowance: The claims are directed at an payment authorization method. The method uses two separate channels. The payment authorization is requested via the first channel, and notification of authorization is transmitted via the second channel. The transaction is processed without further action on behalf of the customer as recited in claim 1. Such payment method is neither disclosed nor suggested by the cited references. The claims rejected by double patenting rejection were overcome by filing and entrance of terminal disclaimer.

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

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The

examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax phone number for this Group is (571)273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

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 application is available for Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have any questions or access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ahshik Kim
Primary Examiner
Art Unit 2876
November 9, 2007

-- ok to enter AK 11/9/07 --

W-9001

BOX AF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applic. No.	:	11/077,783	Confirmation No: 8984
Applicant	:	Gerry Calabrese, et al.	
Filed	:	March 11, 2005	
Title	:	Mobile Phone Charge Card Notification and Authorization Method	
Art Unit	:	2876	
Examiner	:	Ahshik Kim	
Docket No.	:	W-9001	
Customer No.	:	24131	

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

A M E N D M E N T under 37 CFR § 1.116

S i r :

Responsive to the final Office action dated October 5, 2007 kindly amend the above-identified application as follows:

- **Amendments to the Claims** are reflected in the listing of claims, which begins on page 2 of this paper.
- **Remarks/Arguments** begin on page 4 of this paper.

Petitioner Askeladden LLC
Exhibit 1013 - Page 119 of 135

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

Bib Data Sheet

CONFIRMATION NO. 8984

SERIAL NUMBER	FILING OR 371(c) DATE / RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
11/077,783	03/11/2005	235	2876	W-9001

APPLICANTS

Gerry Calabrese, Fort Lauderdale, FL;
Werner Stemer, Fort Lauderdale, FL;

** CONTINUING DATA **********

** FOREIGN APPLICATIONS **********

IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** SMALL ENTITY **
** 04/08/2005

Foreign Priority claimed	35 USC 119 (a-d) conditions met	Verified and Acknowledged	STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS
☐ yes ☑ no	☐ yes ☑ no ☐ Met after Allowance	Examiner's Signature / Initials	FL	2	7	2

ADDRESS
24131

TITLE
Mobile phone charge card notification and authorization method

FILING FEE RECEIVED	FEES: Authority has been given in Paper
500	No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:

- ☐ All Fees
- ☐ 1.16 Fees (Filing)
- ☐ 1.17 Fees (Processing Ext. of time)
- ☐ 1.18 Fees (Issue)
- ☐ Other _____
- ☐ Credit

Petitioner Askeladden LLC
Exhibit 1013 - Page 120 of 135

Issue Classification	Application/Control No.	Applicant(s)/Patent under Reexamination	
	11/077,783	CALABRESE ET AL.	
	Examiner	Art Unit	
	Ahshik Kim	2876	

ISSUE CLASSIFICATION

ORIGINAL CLASS	ORIGINAL SUBCLASS	CLASS	CROSS REFERENCE(S) SUBCLASS (ONE SUBCLASS PER BLOCK)						
235	380	235	383						
INTERNATIONAL CLASSIFICATION									
G 0 6 K	5/00								
	/								
	/								
	/								
	/								

---------- (Assistant Examiner) (Date)	Ahshik Kim 11/9/07 (Primary Examiner) (Date)	Total Claims Allowed: 4	
(Legal Instruments Examiner) (Date)		O.G. Print Claim(s): 1	O.G. Print Fig.: 1

☐ 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	1		31		61		91		121		151		181		
2	2		32		62		92		122		152		182		
	3		33		63		93		123		153		183		
	4		34		64		94		124		154		184		
3	5		35		65		95		125		155		185		
4	6		36		66		96		126		156		186		
	7		37		67		97		127		157		187		
	8		38		68		98		128		158		188		
	9		39		69		99		129		159		189		
	10		40		70		100		130		160		190		
	11		41		71		101		131		161		191		
	12		42		72		102		132		162		192		
	13		43		73		103		133		163		193		
	14		44		74		104		134		164		194		
	15		45		75		105		135		165		195		
	16		46		76		106		136		166		196		
	17		47		77		107		137		167		197		
	18		48		78		108		138		168		198		
	19		49		79		109		139		169		199		
	20		50		80		110		140		170		200		
	21		51		81		111		141		171		201		
	22		52		82		112		142		172		202		
	23		53		83		113		143		173		203		
	24		54		84		114		144		174		204		
	25		55		85		115		145		175		205		
	26		56		86		116		146		176		206		
	27		57		87		117		147		177		207		
	28		58		88		118		148		178		208		
	29		59		89		119		149		179		209		
	30		60		90		120		150		180		210		

Petitioner Askeladden LLC
Exhibit 1013 - Page 121 of 135

Search Notes

Application/Control No.	Applicant(s)/Patent under Reexamination	
11/077,783	CALABRESE ET AL.	
Examiner	**Art Unit**	
Ahshik Kim	2876	

SEARCHED			
Class	Subclass	Date	Examiner
235	379	6/5/2006	AK
	380		
	383		
705	64		
	75		

INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner
same as	**above**	11/9/2007	**AK**

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR
See attached EAST search history	6/5/2006	AK
Updated search	10/11/2006	AK
Updated Search	3/7/2007	AK
Updated Search	9/20/2007	AK
Updated search	11/9/2007	AK

OIPE IAP20 FEB 25 2008 U.S. PATENT & TRADEMARK OFFICE

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)

24131 7590 11/30/2007

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

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.

WERNER H. STEMER	(Depositor's name)
	(Signature)
February 21, 2008	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/077,783	03/11/2005	Gerry Calabrese	W-9001	8984

TITLE OF INVENTION: MOBILE PHONE CHARGE CARD NOTIFICATION AND AUTHORIZATION METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$720	$300	$0	$1020	02/29/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
KIM, AHSHIK	2876	235-380000

02/26/2008 ATRINH1 00000006 11077783
01 FC:2501 ~~720.00 OP~~
02 FC:1504 300.00 OP

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
1 _____
2 _____
3 _____

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

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

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

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

4a. The following fee(s) are submitted:
☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
☒ A check is enclosed. #3049
☐ Payment by credit card. Form PTO-2038 is attached.
☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 12-1099 (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date February 21, 2008

Typed or printed name WERNER H. STEMER Registration No. 34,956

This collection of information 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.

Petitioner Askeladden LLC
Exhibit 1013 - Page 123 of 135

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.
11/077,783	04/15/2008	7357310	W-9001	8984

24131 7590 03/26/2008

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

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 2 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 Customer Service Center of the Office of Patent Publication at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site http://pair.uspto.gov for additional applicants):

Gerry Calabrese, Fort Lauderdale, FL;
Werner Stemer, Fort Lauderdale, FL;

IR103 (Rev. 11/05)

United States Patent and Trademark Office

- Sales Receipt -

04/17/2019 DALLEN 00000010 7357310

01 FC:1599 3700.00 OP

PTO/SB/45 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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.

MAINTENANCE FEE TRANSMITTAL FORM

(Do not submit this form electronically via EFS-Web)

Address to:
Director of the United States
Patent and Trademark Office
Attn: Maintenance Fee
2051 Jamieson Avenue, Suite 300
Alexandria, VA 22314

- OR -

Fax to: 571-273-6500

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314" on _____.

Signature _____

Typed or printed name _____

Enclosed herewith is the payment of the maintenance fee(s) for the listed patent(s).

1. ☐ A check for the amount of $_____ for the full payment of the maintenance fee(s) and any necessary surcharge is enclosed.
2. ☒ Payment by credit card. Form PTO-2038 is enclosed.
3. ☐ The Director is hereby authorized to charge $_____ to cover the payment of the fee(s) indicated below to Deposit Account No._____.
4. ☒ The Director is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposite Account No. 12-1099.

* Information required by 37 CFR 1.366(c) (columns 1 & 2). Information requested under 37 CFR 1.366(d) (columns 3, 4, & 5).

Item	Patent Number* Column 1	U.S. Application Number* [e.g., 06/555,555] Column 2	Maintenance Fee Amount (37 CFR 1.20(e)-(g)) Column 3	Surcharge Amount (37 CFR 1.20(h)) Column 4	Payment Year (select one below) Column 5		
					3.5 yrs	7.5 yrs	11.5 yrs
1	7,357,310	11/077,783	$3,700				X
2							
3							
4							
5							
		Subtotals: Columns 3 & 4			☐ 0 additional sheets attached for listing additional patents.		
		Total Payment	$3,700				

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 Form PTO-2038.

A FEE OF $3,700 WAS PREVIOUSLY PAID ON 4/15/19

Respectfully submitted, **

Customer's Signature /Werner H. Stemer/

Customer's Name Werner H. Stemer

Registration Number, if applicable: 34,956

Telephone: 954-925-1100

Fax: 954-925-1101

Note: All correspondence will be forwarded to the "Fee Address" or to the "Correspondence Address" if no "Fee Address" has been provided. See 37 CFR 1.363.

Payment of small entity fee is appropriate if small entity status still exists, see 37 CFR 1.27(g). To establish small entity status or to change status from small to large entity, a written assertion is required. See 37 CFR 1.27 and 1.33(b).

** WHERE MAINTENANCE FEE PAYMENTS ARE TO BE MADE BY AUTHORIZATION TO CHARGE A DEPOSIT ACCOUNT, BOTH THE NAME AND SIGNATURE OF AN AUTHORIZED USER ARE REQUIRED.

This collection of information is required by 37 CFR 1.366. 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 5 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: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314.**

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

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	REQUEST ID
11/077,783	03/11/2005	Gerry Calabrese	W-9001	85806

Acknowledgement of Loss of Entitlement to Entity Status Discount

The entity status change request below filed through Private PAIR on 04/16/2019 has been accepted.

CERTIFICATIONS:

Change of Entity Status:

X Applicant changing to regular undiscounted fee status.

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

This portion must be completed by the signatory or signatories making the entity status change in accordance with 37 CFR 1.4(d)(4).

Signature:	/Werner H. Stemer/
Name:	Werner H. Stemer
Registration Number:	34956

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.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/077,783	03/11/2005	Gerry Calabrese	W-9001	8984

24131 7590 10/25/2019
LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER	
KIM, AHSHIK	

ART UNIT	PAPER NUMBER
2876	

NOTIFICATION DATE	DELIVERY MODE
10/25/2019	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):

boxoa@patentusa.com
docket@patentusa.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 7,357,310	:	
Issue Date: April 15, 2008	:	
Application No. 11/077,783	:	
Filed: March 11, 2005	:	DECISION ON PETITION
Attorney Docket No. W-9001	:	
For: MOBILE PHONE CHARGE CARD NOTIFICATION AND AUTHORIZATION METHOD	:	

This is a Notice regarding the request for acceptance of a fee deficiency submission under 37 CFR 1.28(c) filed April 16, 2019.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

The fee deficiency submission under 37 CFR 1.28(c) is **NOT ACCEPTED**.

Applicant should note that 37 CFR 1.28(c) states in part: If status as a small entity is established in good faith, and fees as a small entity are paid in good faith, in any application or patent, and it is later discovered that such status as a small entity was established in error, or that through error the Office was not notified of a loss of entitlement to small entity status as required by § 1.27(g)(2), the error will be excused upon compliance with the separate submission and itemization. *See* 37 CFR 1.28(c)(2)(ii).

The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;

(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii) of this section.

In this case, a fee deficiency of $3,700 has been identified. However, the fee was submitted without proper itemization. Without a proper itemization of the total fee under the current fee rate a petition under 37 CFR 1.28(c) cannot be granted at this time. Consequently, this communication is simply being treated under 1.27(g)(3) as a notification of a loss of entitlement to small entity status.

Applicant should submit the itemization within **ONE (1) MONTH** from the mail date of this Notice. This time limit is non-extendable. Failure to timely respond may result in the return of the fee deficiency paper, at the option of the Office.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
ATTN: Office of Petitions

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By internet: EFS-Web[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642.

/APRIL M WISE/
Paralegal Specialist, Office of Petitions

[1] http://portal.uspto.gov/ (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197).

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applic. No.	:	11/077,783	Confirmation No.:	8984
Inventor	:	Gerry Calabrese, et al.		
Filed	:	March 11, 2005		
Title	:	Mobile Phone Charge Card Notification and Authorization Method		
Patent Number:		7,357,310	Patent Issue Date:	April 15, 2008
Docket No.	:	W-9001		
Customer No.	:	24131		

Fee Deficiency Submission under 37 CFR 1.28(c)

S i r :

Responsive to the Decision on Petition dated October 25, 2019, counsel paid Small Entity fee code 2553 on April 15, 2019, in the amount of $3,700.00 and then on April 16, 2019, paid the difference between Small Entity fee code 2553 and Large Entity Maintenance fee code 1553 due in the amount of $3,700.00. A total payment of $7,400.00 has been made and applicant requests that the unallocated payment be applied to the Large Entity 11.5 year maintenance fee due.

Please charge any other fees that might be due to Deposit Account Number 12-1099 of Lerner Greenberg Stemer LLP.

Respectfully submitted,

/Werner H. Stemer/

Werner H. Stemer
(Registration No. 34,956)
Date: October 28, 2019
LERNER GREENBERG STEMER LLP
Post Office Box 2480
Hollywood, Florida 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101 /la

Electronic Acknowledgement Receipt	
EFS ID:	37573712
Application Number:	11077783
International Application Number:	
Confirmation Number:	8984
Title of Invention:	MOBILE PHONE CHARGE CARD NOTIFICATION AND AUTHORIZATION METHOD
First Named Inventor/Applicant Name:	Gerry Calabrese
Customer Number:	24131
Filer:	Werner H. Stemer/Lucia Andrade
Filer Authorized By:	Werner H. Stemer
Attorney Docket Number:	W-9001
Receipt Date:	28-OCT-2019
Filing Date:	11-MAR-2005
Time Stamp:	10:22:09
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Petition for review by the Office of Petitions	W-9001-LEMaintenanceFee.pdf	43680 cc40215c3fa095f8b393b3f062ed9fdd095b7e7c	no	1

Warnings:

Information:	
Total Files Size (in bytes):	43680

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.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/077,783	03/11/2005	Gerry Calabrese	W-9001	8984

24131 7590 12/16/2019
LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER	
KIM, AHSHIK	

ART UNIT	PAPER NUMBER
2876	

NOTIFICATION DATE	DELIVERY MODE
12/16/2019	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):

boxoa@patentusa.com
docket@patentusa.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 7,357,310 Issue Date: April 15, 2008 Application No. 11/077,783 Filing Date: March 11, 2005 Attorney Docket No. W-9001 Title: MOBILE PHONE CHARGE CARD NOTIFICATION AND AUTHORIZATION METHOD	:	DECISION ON PETITION

This is a Notice regarding the renewed request for acceptance of a fee deficiency submission under 37 CFR 1.28(c) filed October 28, 2019.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

The fee deficiency submission under 37 CFR 1.28(c) is **ACCEPTED**. Accordingly, status as a small entity has been removed and any future fee(s) submitted must be paid at the undiscounted rate.

Telephone inquiries related to this communication should be directed to undersigned at (571) 272-1642.

/APRIL M WISE/
Paralegal Specialist, Office of Petitions